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GOV. SLADE'S REPLY

TO

SENATOR PHELPS' APPEAL.



G O V . S L A D E ' S

R E P L Y

TO

S E N A T O R P H E L P S '

A P P E A L .

BURLINGTON:
CHAUNCEY GOODRICH.

1846.

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TO THE PEOPLE OF VERMONT.

A book has recently appeared, and been circulated throughout this State, to which is appended the name of Samuel S. Phelps, containing an "Appeal to the people of Vermont," in professed vindication of its author from certain "charges" made against him, upon the occasion of his re-election to the Senate of the United States. The charges consist of certain statements made by the Hon. Hiland Hall, the Hon. Ezra Meech, Charles Adams, Esq. and myself, upon an investigation into the conduct of Mr. Phelps, immediately previous to the senatorial election. Those statements were in the form of replies to a Circular of the Hon. Alvah Sabin, Justin Morgan, and David M. Camp, who had been appointed a committee by a meeting of the Whig members of the Senate of this State, for the purpose of the investigation, and were read in a general meeting of the Whig members of both branches of the General Assembly.

To that appeal, so far as it relates to myself, I deem it my duty to reply. Before doing it, however, I will give a general account of the book, as well for the more perfect understanding of what I have to say, as for the additional reason that my reply will probably fall into the hands of some who will not have seen the Appeal, and who may desire to know what it contains. So far, indeed, as I am concerned, I should like, if I could conveniently incur the expense, to give the Appeal entire, that its statements, its reasonings, its language and its temper might fully appear.

The book contains 43 pages. The author commences by expressing the "high sense" he entertains of his "accountability for the manner in which" his "public trust has been discharged,"—says his "character as a public man is public property,"—speaks of the "decisive verdict" of his re-election, and says he owes it to those who supported him, to "show them that their confidence was not misplaced."

He then proceeds to characterize the investigation into his conduct as an "inquisition more extraordinary than is to be found in the history of this or any other country," and speaks of it as an invasion of "the sanctity and confidence of the domestic fireside," and an attempt to "gather up gossiping tales in relation to his private and confidential intercourse."

He then complains that the committee were "personally hostile" to him and addressed their inquiries to men equally hostile—three of whom were candidates for his place, and acting in concert to sacrifice him—that most of their testimony was hearsay—such as "would not, in any justice court in Vermont, have settled the title to a card of gingerbread;" and that "the scandal thus scraped together was enforced with all the zeal and power which the conspirators could command."

Having thus introduced the matter, Mr. Phelps proceeds to examine the "charges" brought against him. Before proceeding to give an account of this examination, I will, in order to make the matter more intelligible, here introduce the circular of the committee (which Mr. Phelps has omitted,) together with the communications in reply to it, omitting the introductions, and commencing where Mr. Phelps commences quoting them, and including in brackets, and italicizing, the parts omitted by him. Mr. Marsh's reply he omits entirely.

Circular of the Committee.

MONTPELIER, October 16, 1844.

Sir:—At a meeting of Democratic Whig Senators, holden at the Senate Chamber, yesterday, the undersigned were appointed a committee, with instructions to address to you respectful inquiries touching certain reports in circulation, injurious to the character of the Hon. Samuel S. Phelps.

Many gentlemen very sensibly feel the weight of responsibility resting upon them in relation to the approaching election of a United States Senator, and in their behalf we confidently apply to you for the light and information necessary to guide our action.

We presume we need not say, it is commonly reported that our Senator, within the last five years, has sometimes exhibited appearances indicative of the fact that he indulged in the use of intoxicating liquors as a beverage. We wish to learn from you such incidents as may have come to your knowledge, either by your own observation, or through the testimony of others whose assertions you could not discredit, in relation to this matter.

It is also charged against Judge Phelps that he has not, at all times, maintained that dignified, yet kind and conciliatory deportment, which is best calculated to reflect honor upon the high office he holds, and elevate the character of the State which he, in part, represents; that he has, sometimes, without sufficient cause, neglected his appropriate duties, and has indulged in language querulous, vituperative, vulgar or profane, about others whom he ought to respect and esteem. If these charges be, in your opinion, well founded, we would then inquire, whether the cause is to be sought in a defect of physical or moral power, in an aberration of intellect, or a servitude to passion and feeling induced by habits of improper indulgence.

We make this application as well in justice to Judge Phelps, (as he has been understood to refer to you for information) as for the purpose of removing the doubts of those for whom we act; and we address you in writing, from having been informed that some of your number have expressed a preference for this mode, if it became necessary to address you at all.

As the time is near when the election must be made, we should be gratified if your answer or answers could be had before the adjournment of the Senate this afternoon.

Copies of the above have been addressed to the Hon. S. Prentiss, W. Upham, H. Hall, S. Foot, W. Slade, G. P. Marsh, and S. C. Crafts.

Very respectfully, &c.

ALVAH SABIN,
JUSTIN MORGAN,
D. M. CAMP.

My Reply.

Having referred, in the introduction, to his habit of drinking, and said that it was more apparent, during the long session of the 27th Congress, than at any previous session, I proceeded to say—

"For several weeks during that session, he was confined to his lodgings under the care of Doct. Sewell, with whom I was intimately acquainted, and of whom I occasionally made inquiries as to Mr. Phelps' condition, and from whom, as well as from others, I understood that his ill health was the effect of excessive drinking. He was, during this confinement, at a private house, a little east of Capitol Square, to which I understood he had been persuaded to retire from Brown's Tavern, on Pennsylvania Avenue. [Indeed Gov. Crafts told me that he had advised Mr. Phelps to leave Brown's. His condition was a subject of conversation, and of painful regret among the Vermont Delegation and others.]

Mr. Phelps lodged, during a portion of one of the sessions of the 27th Congress, (I am not sure which session) at Mes. Smith's, on Capitol Hill. Mr. Everett of Vermont, Gov. Morehead of Kentucky, Col. Gamble and Mr. Warren of Georgia, and others, boarded with him. I lodged in an adjoining house, and understood from Mr. Everett and others of the mess, that Mr. Phelps was, a good deal of the time, under the influence of liquor, and was troublesome. It was a matter of common conversation. He boarded, I think, in the forepart of the long session of the 27th Congress, at Mes. Pitman's, on 3d Street, with Mr. Evans of Maine, Mr. Fillmore of New York, Mr. Young of Vermont, and others; and it was often said in my hearing, that he was so much under the influence of liquor, while there, as to produce very unpleasant feelings among the boarders, and especially among the female members of the family, of whom Mrs. Evans was one. I understood he removed from there to Brown's Tavern."

Among your inquiries I find one asking of me information in regard to Mr. Phelps' having, "at any time, without sufficient cause, neglected his appropriate duties." A reply to this inquiry seems to involve the necessity of stating the facts in connexion with his vote on

the tariff bill of 1842. That bill (I mean the bill that became the present tariff law) having passed the House, had been before the Senate for some time, when the day arrived which it was supposed would terminate the debate. Great anxiety was felt for the result, which was regarded as doubtful, and many members of the House were in the Senate Chamber to witness the debate. I was there among the rest. I observed, during the day, that Mr. Phelps appeared very much excited. I was informed—by whom I cannot now remember—that he had become offended, at some supposed slight or want of attention of some Senators, and used opprobrious language in regard to them, and declared with oaths that he would not vote on the bill; and I understood in the course of the day, that several Senators had made ineffectual efforts to soothe him. Sometime after sun down—the Senate being still in session, and it being expected that the final vote on the tariff bill would be taken that night—Mr. Cranston, a member of the House from Rhode Island, came to me at my lodgings, and said that Mr. Phelps was acting strangely, swearing that he would not vote, and requested me to go to the Capitol and see if something could not be done. I immediately repaired to the Senate Chamber, and found that Mr. Phelps was not in his seat. I inquired of the door-keeper, at the southern entrance, where he was, who informed me that he was in a small ante-room, just at the entrance, with Mr. Conrad of Louisiana, who, I understood, was endeavoring to persuade him to vote. This I learned from the door keeper, as well as from others. I returned into the Senate Chamber, where I remained until the debate closed—Mr. Woodbridge of Michigan, being the last speaker. The Secretary was, thereupon, ordered to call the yeas and nays. I immediately went to the door keeper and asked him where Phelps and Conrad were, who replied that they had left the ante-room and gone into some other part of the capitol, he did not know where. I requested him to go for them immediately. He went and found them, and they came in, and went past me in the Senate Chamber, just as Mr. Phelps' name was called. He did not answer, but passed to his seat which was in the southern part of the Chamber. The roll having been gone through, the Secretary called the name of Mr. Conrad, who answered in the affirmative. He then called Mr. Phelps, who did not answer, but turned round to Mr. Conrad, who was standing behind him, and said "Conrad have you voted?"—to which Mr. C. replied that he had. I stood some 15 or 20 feet from them and heard the whole distinctly. The Secretary then again called Mr. Phelps, who answered in the affirmative, and the bill was carried by a majority of one.

I conversed with the whole of the Vermont delegation, including Gov. Crafts, on the subject, the next day, and stated the occurrence as I have here done.

Mr. Phelps had, at the previous session, as I have understood, declared that he would not vote for the land distribution bill, under circumstances similar to those connected with his refusal to vote for the tariff; but of that I had no personal knowledge.

[In reply to your inquiry as to the causes of Mr. Phelps' conduct, I have only to say, that they are to be found in his excessive jealousy and violence of feelings—not arising from the use of intoxicating liquors, though much aggravated by it. He was, manifestly, under the influence of liquor during the evening of the passage of the tariff.]

I need not say that your questions here embarrassed me—not because I have any doubt as to what reply I ought to make to them, but because it is exceedingly unpleasant to state such facts with regard to anybody; and yet neither my respect for you, nor my sense of duty, permits me to refuse an answer.]

I am, &c.

Gov. Crafts' Reply.

After an introductory paragraph, he says:—

"From the latter part of April, 1842, until the close of the 27th Congress, I was associated with Judge Phelps in the Senate of the United States, and for about seven months of that time I was in daily intercourse with him. On my first arrival at Washington, I took lodgings with him, for a few days, and occupied the same room. His boarding house being situated on Pennsylvania Avenue, and preferring a more airy situation during the summer months, after some eight or ten days, I removed my lodgings to Capitol Hill, and within a few weeks thereafter, Judge Phelps took new lodgings in my vicinity, and continued there through the summer. I not only saw him daily, in the Senate, but generally every day, either at his quarters or at mine. The same frequent intercourse also continued through the winter session. I have been thus particular to show what my opportunities were to become acquainted with his general conduct, &c. Excepting about ten or twelve days about the latter end of July and first of August, his health was good, and his attendance in the Senate and Committees was as regular as that of the other Senators. During those ten or twelve days Judge Phelps was very unwell, and was confined to his bed for about a week, and under the care of Doct. Sewell. He was not only very sick, but very low-spirited—so much so that I became considerably alarmed. During his sickness I also saw him every day. It was during this sickness

that the present tariff bill was under discussion in the Senate; and it was only but a day or two before the final vote was taken on said bill, that Judge Phelps had been able to resume his seat in the Senate, and for only a short time each day. Judge Phelps had assured me that he would be present to vote on the passage of that bill, for it was understood that, without his vote, the bill could not pass the Senate. As Judge Phelps did not appear in his seat at the commencement of the session, some of the members came to me, and expressed their fears that he would not attend, and requested me to go and persuade him to attend. I informed them that he had promised to be there, and if he did not attend, seasonably, I would go for him; but he soon after came into the Senate, and voted for the bill.*

I have stated the above transaction more particularly as I have been informed that a report is in circulation that he had been disposed to withhold his vote, regardless whether the bill should pass or not, and that it was only by extraordinary exertions of some of the Senators, that he had been induced to attend.

While I was at Washington, I never saw Judge Phelps drink more than one solitary glass of wine, and no distilled spirits whatever; nor did I ever see him when I supposed he had been using any; nor do I believe that he was in the habit of using any, privately, during the time I was at Washington. His general intercourse with the Senators and other gentlemen, was civil and courteous, and he had many firm friends in the Senate."

I am, &c.

To this reply, as given in the appendix of Mr. Phelps' Appeal, he has appended the following note, from the star at the close of the last paragraph but two.

"Gov. Crafts has confounded the bill which passed on the 5th of August, commonly called the 'little tariff,' with the present law, which was passed on the 27th. What he states here, occurred on the 5th, when I was unwell, and not on the 27th, when it appears from all the testimony, that I was present during the day. The error, however, is not important. The material question is, whether the occurrences stated by Mr. Slade took place. If they did, it is scarcely possible that Gov. Crafts should have been ignorant of them."

It seems, then, that, although Gov. Crafts stated the "transaction *more particularly*," in order to counteract the representation "that Judge Phelps had been disposed to withhold his vote," and that it was "by extraordinary exertions" that he attended, he nevertheless made the very great mistake of referring to *another occasion* than that on which I alledged that the withholding of the vote was threatened, and far removed from it, too, in point of time; as the 'little tariff'—(that is, the bill "to extend for a limited time the [then] present law laying and collecting duties on imports;") was passed on the 25th of June—more than *two months before* the occurrences stated by me,—and yet Mr. Phelps deems the error "*not important!*"

Gov. Crafts' letter to Mr. Phelps.

In addition to the foregoing reply of Gov. Crafts to the committee, Mr. Phelps gives, in his appendix, a letter to him from Gov. C. giving an account of his examination before a meeting of the Whig members of the Legislature touching this matter. As I desire to omit nothing which Mr. Phelps may deem material to his case, I here give that part of the letter on which he relies in his appeal—the only part, indeed, which properly bears upon the issue between us. It is as follows:—

"I was asked why I had solicited you to leave Brown's and seek other quarters. I informed them that, on my arrival at Washington, I found you temporarily boarding there—that it was not your intention to tarry there during the hot weather—that we had, together, examined several boarding-houses on Capitol Hill, but found none where we could be accommodated to our minds, at the same house, or we should have immediately left the Avenue. It was not that I saw any thing to create a suspicion that you frequented the bar, for I saw nothing; but that I thought the Hill, being more airy, would be more healthy than the Avenue, during the summer months. I was then asked whether I had any knowledge of your using wine or spirituous liquors freely. I answered that I had never, except on one occasion, seen you drink either wine or spirits, and that was on a visit to the steam frigate, *Missouri*" when "you took one glass of wine, and I believe no more."

Mr. Hall's Reply.

Having stated that he had been a member of Congress from the time Mr. Phelps entered the Senate, to the 4th of March 1843,—spoken of his “jealous temperament,” which often “rendered him, as well as those about him, quite uncomfortable,” and “made him, at times, extremely averse to the performance of his Senatorial duties”—the most prominent instance of which, coming within his knowledge, occurred when the land distribution bill was under consideration in the Senate, in 1841,—Mr. Hall proceeds as follows—

“Before the passage of the bill by that body, some person came to me in the House of Representatives and said the vote was about to be taken—that it was likely to be close, and that Mr. Phelps was in an angry mood, and declared he would not vote, and requested me to go and see if I could not exert a favorable influence over him. I accordingly went over to the Senate, found some Senator speaking, and Mr. Phelps, I think, walking in the lobby. I accosted him mildly, and inquired how the vote would stand, and if the bill would pass. He answered me sharply—he did not know, and did not care—that he was not going to vote upon it. After a few more words, either at my suggestion or his own, we went together into a small adjoining room, within ready call of the Senate, and held a conversation of half an hour or more. Mr. Phelps appeared highly excited, and in the conversation, my efforts were directed to pacify him and persuade him to vote. He complained of leading Whig Senators—naming several of them—said they did not notice him, but treated him as if he was nobody,—that he had no friends there, or in Vermont—talked of a plot against him, but without specifying particulars—said he would not vote on the distribution bill—that he would never give another vote in the Senate—that he was going to resign his seat in the Senate—that he had his resignation already written and in his pocket—that he should send it to the Governor, and pack up and go home. These declarations in regard to his not voting, and having his resignation in his pocket, were often repeated.

[In this conversation, the manner of Mr. Phelps was violent, and his language coarse and abusive towards several prominent Whig Senators; and oaths were frequently used. Finding that my efforts to appease him, and to induce him to vote, made no apparent impression on him, I left him. Mr. Phelps did, however, vote for the bill—the vote, I think, being taken on the succeeding day.]

I understood from others, upon whom I could not but rely, that Mr. Phelps had a similar difficulty about voting for the tariff act of 1842, but I had no conversation with him in regard to that vote. I have seen Mr. Phelps in a similar state of mind to that before mentioned, at several other times, and heard from him similar remarks in regard to his political friends and particularly in regard to leading Whig Senators.

In answer to your inquiries as to the cause of this excited state of feeling, I can only say that, judging from the appearances of Mr. Phelps, at the times above mentioned, I did, in common with all others, with whom I conversed on the subject, attribute the singular state of mind to the use of intoxicating drink. It is, perhaps, proper for me to state, that I have never seen Mr. Phelps make use of intoxicating liquor, and that I have not been in a situation to know whether he did, or did not, except from its apparent effects.

It is but justice to Mr. Phelps to add that it is within my personal knowledge that his services in the Senate, when not in the state of mind before mentioned, have been highly valuable, particularly in the examination of private claims.]

I am, &c.

Mr. Meech to the Committee.

After referring to a request that he would communicate to the committee, and stating that he was at Washington from the latter part of December 1840, to the middle of March 1841, during which time he had, “frequent intercourse” with Mr. Phelps, he proceeds as follows:

“I regret to say that, during the time that I was there, the conduct of Senator Phelps was marked with great impropriety, and occasioned great uneasiness in my mind. He was much out of his place in the Senate, insomuch that members of that body, and of the House, frequently said to me that I must *take care of him*. In his conversation with me he was quite often fretting, scolding, and finding fault with the Senate, that the Senate paid no attention to him, and, in a vulgar way, saying they turned their back upon him; and frequently threatened that he would resign and go home; and on one occasion, stated that he had his resignation written and in his pocket; and I took great pains, as a personal friend, to appease him and calm his turbulence.

I have further to say that, during all the time, he was often greatly excited by the free use of liquor: and I consider, that to this cause is to be attributed his strange fits of spleen and ungovernable conduct. I thought then, and still think, that his conduct was very far from

right, and that he was an unsafe depository of public power—an unsafe public agent, and that it is dangerous to entrust to such hands the great interests of the State of Vermont.

[I have ever been the personal friend of Mr. Phelps—was favorable to his election; and nothing but a high sense of what I owe to the public has induced me to make this statement.]
I am, &c.

Mr. Adams to the Committee.

"I was at Washington in January last, [1844] and remained there some short time. I stopped at Gadsby's, but, soon after I arrived, was desired to move to Mrs. Buck's, where, among others, Hon. Samuel S. Phelps boarded. I was told that he had been sick some two or three weeks, and was given to understand that his sickness was occasioned by the free use of liquor, and that the presence of a friend from Vermont might be of service to him; and having always felt a warm friendship for Mr. Phelps, and with the sole view of benefitting him, if I could, I took up my quarters at Mrs. Buck's. Mr. Phelps had then recovered, and I had the pleasure of seeing him in his seat in the Senate.

Soon after I arrived, Mr. McDuffie made his great speech in opposition to the tariff; and, from subsequent events, it appeared that Mr. Phelps expected to reply, but the floor was given to Mr. Evans, the chairman of the committee. Mr. Phelps was in a rage about this, and used very strong language, saying that he would take no further part in the Senate. And I was there told that he neglected to meet with the committees of which he was a member, and that Governor Morehead called on him and endeavored to persuade him to return and discharge his duty.

I had frequent conversations with the family, and with members, and they all concurred in representing that the conduct of Mr. Phelps was strange, irregular and ungentlemanly; and all attributed it to the excessive use of liquor. At many times while I was there, he appeared to be greatly excited, and, as I believe, wholly by the use of liquor, and to such a degree as to render him unfit for the discharge of any public duty.

His language in the family, and in the hearing of ladies, was gross, and unbecoming a gentleman, and while at table, seemed to produce great restraint. *[So far as I observed, there was, at that time, but little intercourse or conversation between him and Mr. Foot, who boarded at the same table; and in conversation with me]* Mr. Foot denounced the conduct of Mr. Phelps in the most emphatic manner.

I was greatly chagrined and mortified at Mr. Phelps' apparent neglect of duty, and with the grossness of his language, and had no doubt then, and have no doubt now, that the whole was owing to his immoderate use of strong drink. In consequence of the feeling thus produced, I hastened away from Washington sooner than I had otherwise intended.

I make this statement in no hostility to Mr. Phelps. I have always admired him as a man of high order of talents—a clear-headed and sound jurist, and one of the best judges in the State; and it pains me to see such talents prostrated, and such a mind made powerless for good, by an uncontrollable habit of drinking; and it is only from a conviction that I owe the State a duty, that I am willing to say a word about it."

I am, &c.

Mr. Marsh's Reply.

NEW YORK, October, 24, 1844.

GENTLEMEN: During the first two weeks of the last session of Congress, the ill health of a member of my family, and other occupations, employed my whole time, when not engaged in the House, and I had, therefore, no opportunity for any personal observation in regard to Judge Phelps' habits and general deportment. In the course of that time, as well as from week to week, during the remainder of the session, I received from the voluntary communications of inmates of Judge P.'s boarding-house, such information as led me to think I should best consult my own self-respect, and most promote my own quiet and that of my family, (who were with me,) by avoiding a free intercourse with Judge P.; and my communication with him was, with few exceptions, limited to the interchange of formal civilities. I forbear to state the particulars of the information above alluded to, because it is but hearsay, and for the better reason that two of the gentlemen from whom I received it, are returned to in yours of the 16th, as having been written to by you, and I am bound to presume that an honorable sense of what they, as gentlemen, and as public men, owe to you, under the circumstances, will constrain them to state to you, with freedom and minuteness, what they have so often communicated to me."

* The gentlemen here referred to, were Messrs. Upham and Foot who made verbal communications to the committee in reply to their circular.

There were complaints in regard to Judge Phelps' occasional absences from the senate, but Mr. Upham is so much better informed in regard to this matter, than I can be, that I refer to him for fuller information as to what I know only by report.

Yours of the 16th not having reached Burlington, until I had left town, was forwarded hither. I have but this moment received it, and take the earliest opportunity to reply.

Yours, most respectfully,

GEO. P. MARSH.

Mr. Phelps commences his examination, with my statement. Having given the statement, with the exception of the parts which I have enclosed in brackets, he proceeds to say, in the first place, that it comes from a man who had been "for six years notoriously a candidate for his seat in the Senate," and "laboring to supplant him;"—and in the next place, that all that is material in the statement, in regard to his conduct on the day of the final vote on the tariff, is mere "hearsay"—"gossip"; and that, "stripped" of that, it "amounts simply to this, that [he] was absent from [his] seat in the Senate at the moment the question was put—a circumstance of daily occurrence in the Senate and which, [he says] led to no practical result, as his vote was recorded and the bill saved." He thereupon pronounces "the whole story, in all that is material," to be "*a vile fabrication*," and says he will prove it.

He then adverts, specially, to that part of the statement in which I said I was informed that he had been offended at some supposed slight or want of attention on the part of Senators, and used opprobrious language, and swore he would not vote, &c., and says—"Before adverting to the testimony [to prove this a "*vile fabrication*,"] let us note the state of things in the Senate at the time this misconduct is supposed to have occurred." He then goes somewhat at length into "the state of things"—the defection of Tyler—the veto of the Bank bill—the tariff as "the last and only remaining hope of the whigs"—and the uncertainty as to its passage,—and then scouts the suggestion that "during this day of anxiety and excitement, when the hopes of the whig party were at stake," he could have declared with oaths, that he would not vote for the tariff." [Let the reader remember this.]

"And now," he says, "let us hear the testimony of the members of the Senate, on the subject." He then refers to the statements of all the Senators who voted for the bill—which he gives in the appendix to his appeal—and says—"It will be seen that not one individual among them has the slightest knowledge or recollection of any matters laid to my charge." "The inference," he adds, "is irresistible—no such things occurred."

I will here pass, for a few moments, to the appendix, containing the statements of Senators, on which Mr. Phelps relies to prove my story "*a vile fabrication*." They are in the form of replies to a circular addressed to them by Mr. P., in which he gives the substance of my statement in regard to the occurrences in connection with the tariff vote, (excepting that part relating to his "acting strangely" in the presence of Mr. Cranston, *to which he makes no allusion*) and asks the Senators addressed, to state their recollection on the subject, and "in general, *what was [his] course in regard to the tariff*."

If my limits permitted, I would give these communications of the Senators entire, but they occupy too much space to allow me to do it. Some of them, as those of Mr. Woodbridge, Mr. Wright, Mr. Berrien and Mr. Williams, contain general statements with regard to the positions of the writers, on the question, and the reasons of their votes. Others, like that of Mr. Porter, state the obstacles which had to be encountered in the passage of the bill. Mr. Mangum refers, almost exclusively, to Mr. Phelps' general course on the tariff question, and his services on the Committees of Indian Affairs, and Claims—his only allusion to the real question in issue, being in a postscript to his reply. Nearly all the Senators addressed give replies to the inquiry as to "what was [Mr. Phelps'] course in regard to the tariff"—in relation to which they use expressions like this—that he had "manifested a deep interest in its favor," and been its "fast and steady supporter," &c. Mr. Woodbridge is quite strong on the subject—commencing his reply with—"I am both surprised and grieved to learn that it has been imputed to the Hon. Mr. Phelps, that he was hostile to the principles of the tariff law of 1812";—while Mr. Choate closes his reply thus—"From what I knew of your settled opinions, and had observed of your habitual course, in the Senate, I should have been profoundly astonished to have discovered on such a day, or at any time, any such unwillingness."

With all this, which does not affect the question in issue—excepting against Mr. Phelps, as I shall show hereafter—there are mingled such declarations as the following—"I have no recollection of any declaration, or oath by you, that you would not vote, nor of your

having used opprobrious language."—"I have no recollection of your being absent when the bill was put to vote"—"If any of these circumstances occurred, they were unobserved by me, or have been forgotten"—"I have no recollection of any opposition on your part to the tariff act"—"I do not distinctly recollect all the circumstances, and individual opinions, relative to that measure, but I understood you to be one of its firmest friends"—"If any such occurrences took place, and I knew or heard of them, they have escaped my recollection"—"Some time has elapsed, and occurrences may have taken place of which I knew nothing, or which I do not now recollect."—"I paid but little attention to the action of others, (says Mr. Woodbridge) and have no knowledge as to where precisely Mr. Phelps might have been, when the final question was taken. The Journal, I think, must show." Such are some of the ways, in which a *want of recollection* in regard to the matter is expressed in the replies.

Some, however, go farther than this, and say that they do not think any such things could have taken place, because of the uniform support that Mr. Phelps had given to the tariff. One of the Senators—Mr. Evans—referring to the fact that he was chairman of the committee on finance, and that it was his duty to ascertain how many votes could be relied on, in favor of the bill, and to take care that it should not be pressed to a vote in the absence of any friendly to it, says—"If you had been absent from the Senate, under circumstances indicating that you did not intend to vote, it is scarcely possible that I should have been ignorant of it."

Some of the replies speak of the protracted debate, and say that some of the Senators, as Messrs. Wright and Williams, for example, went out for relief, from the fatigue of a long sitting, into adjoining rooms, within call, and suggest that perhaps the absence of Mr. Phelps, might have been from that cause.

Such is the substance of the replies. I return to my summary of the Appeal.

Mr. Phelps now comes to that part of the statement in which I speak of going to the Senate chamber, and learning from the door-keeper that he was in the ante-room, with Mr. Conrad, and refers, for a contradiction of it, to a letter to him from the door-keeper, which he gives in the appendix, and which I shall presently introduce.

He then describes the ante-room, as a small room close by the southern entrance to the Senate chamber, for depositing hats and cloaks, and to which "*Senators occasionally retire for private conversation*," and says that the door-keeper's letter proves that he did not go into it at all. The letter, he says, shows also, that my statement that the door-keeper told me that Messrs. Phelps and Conrad had gone from the ante-room into some other part of the Capitol, was 'false,' and yet "that it led to one of the vilest features in the whole conspiracy"—the "some other part of the Capitol" having been interpreted," he says, by "one of the tools of the conspirators," at Montpelier, to mean "the refectory in the basement," where they had gone "for something to drink." He refers triumphantly, to the door-keeper's statement in regard to the length of time he was out, and makes himself merry, upon my "activity and vigilance," during his "five minutes" absence.

He then makes some general remarks, among which he says that he has "*no distinct recollection of the occurrence*"—that "probably [his] movement [going out] was intended as a finesse to stop the discussion"—that "such movements are not uncommon,"—and that, "probably, had he [Mr. Conrad] not followed me, I should not have proceeded as far as I did"!! He adds that his failure to vote would have done no mischief, because had the bill been lost, there were Senators who would have "moved a reconsideration of the vote the next morning!" and then winds up with—"the Governor has made much ado about nothing."

Mr. P. bestows a "*passing notice*" upon Mr. Cranston's alledged call on me, and a letter addressed to me by Mr. C. (a copy of which he sent to Mr. Phelps), which he gives in the appendix to the appeal. This letter I shall present in another place, with Mr. Phelps' remarks upon it.

He then proceeds to the statement of Mr. Hall—whom he contemptuously denominates "*one Hiland Hall*"—and having copied that part of it, which I have not included in brackets (see p. 7) commences his commentary by saying—"This twaddle is gravely put forth by a candidate for the Senate of the United States, as a dereliction of duty." "Happily, however, (he adds) the journals of the Senate give the lie to all pretence of a dereliction of duty." "I meet this charge boldly with the journal in my hand. It shows that I voted fifty nine times on the call of the ayes and noes, on that bill [the land bill] at that session. And yet such miserable twaddle is introduced to show me unworthy the confidence of my constituency."

He then seems to admit that he did threaten to resign, but says, it was "under the influence of constitutional dejection, aggravated by ill health, and by a dissatisfaction with [his] position." He omits, it will be observed, in giving Mr. Hall's statement, all that part of it, in which he speaks of Mr. P.'s "violent manner"—of his "coarse and abusive language"—of his "frequent oaths"—and of "the cause of this excited state of feeling."

He then proceeds to say, that "Mr. Hall's rigmorole" about his abuse of leading Whig Senators, is scarcely deserving of notice; and yet that it "seems to have been a favorite topic" of Mr. Hall, Mr. Meech and myself.

After talking of a plot against him, which, he says, existed there [at Washington] and "was developed at Montpelier," and of which he "expected to find Mr. Hall the catspaw," he gives a new turn to his defence, by claiming that Mr. Hall's statement is a breach of confidence. "Mr. Hall, (he says) takes me into a private room for private and confidential conversation," and "what has the world to do with this conversation?"

Having thus disposed of Mr. Hall, Mr. Phelps makes some general remarks about his assailants having attacked his "private character and habits" and invaded his "domestic and social circle at Washington," and says the charge of intemperance is a "stale" one, "passed upon by the people of this State" in his repeated elections.

He admits, however, that the matter of intemperance is a fair topic for discussion, "if my habits are such, as to disqualify me, in any degree, for the faithful and effective discharge of my duties;" and then goes on with a somewhat detailed account of his labors on committees during the 2d Session of the 27th Congress—which, however, according to his own account, were mostly closed during the winter, and before the time of his confinement under the care of Doct. Sewell, as stated by me.

He then refers to the Journals of the Senate, and the Register of debates to disprove his alleged absence from the Senate, and confinement under the care of Doct. Sewell; and replies to my statement that I understood from Doct. S., that his sickness was the effect of excessive drinking, by saying—"I have a note from Doct. Sewell, in which he denies having given occasion or authority for any such statement."

Judge Meech is next introduced. Before examining his communication, Mr. Phelps has a page upon matters and things in general, in regard to the judge:—says "he has many good qualities, but is imperfect, *like the rest of us*,"—"lacks sagacity and shrewdness,"—"has been "unstable and inconsistent,"—"at one time a Jackson candidate for Governor, and at another, chairman of a public meeting, got up in favor of the United States Bank;"—calls him a "catspaw for a certain unprincipled faction in Burlington;" and says that "he has been induced by a set of malignant intriguers to put his signature to a letter he never wrote, and to express in it an opinion entertained at their dictation."

With this introduction, he proceeds to Mr. Meech's statement, which, he argues, cannot be true, from the presumption that if it were true, "Mr. Slade and Mr. Hall, those two faithful guardians of the interests of the State," would have found out the facts and stated them. He then scouts the idea that anybody said to Mr. Meech that he "must *take care of him*." [Perhaps if he will inquire of Mr. Everett, he may find out something about this?]

He then proceeds to dispose of what the judge says about his "often fretting and scolding and finding fault with the Senate, and saying, in a *vulgar* way that Senators turned their backs on him"—by saying that the judge employs, in his description, "the language of a scullion, picked up in his own kitchen," and that he "makes himself ridiculous by inflicting upon the public mind such a piece of twaddle,"—and that what was said, was "free and confidential."

As to the fact stated by the judge, that "he was often greatly excited by the free use of liquor," he does not deny it, but goes off thus,—"Here we have a touch of the old story of intemperance, about which I have now only to say, that my life for the last fifteen years has not been spent under a bushel, and that there are, at this day, very few men more exposed to general observation than myself, and every man observing me, must judge for himself."

He proceeds to say that Judge Meech has been in favor of his election to the Senate, and closes by an admonition to him to beware, hereafter, "in what hands he places his conscience or his reputation."

He next comes to Mr. Adams,—says he has never "encountered such a specimen of hypocrisy, duplicity and heartless treachery"—speaks of him as "a fellow who came to Washington in the winter of 1844," and that "nobody then knew his business, or who paid his expenses,"—calls him "a treacherous scoundrel,"—says that he went to Wash-

ington "as a spy, hired to scrape the common sewers of scandal, for material which might suit the purpose of his employers," and "has proved himself worthy of the employment."

He then undertakes to disprove Mr. Adams' statement by affirming that he advocated his election to the Senate, and gives a letter addressed to him by Mr. A. after his return from Washington, in which he spoke of his (Mr. P.'s) "depression of spirits,"—his "melancholy"—his "talents" and his "power of doing good,"—says "your fame, your power as a public man, depend on the course you now take,"—urges him to "put forth all [his] energies in the discharge of [his] public duties,"—and closes by saying—"for God's sake dont, by giving way to personal feelings, cast yourself down." [It is a pity he has not followed this good advice.]

He closes by suggesting that Mr. Adams is "partially insane" and says that, at any rate, there is, "an evident derangement of his moral perceptions," and that he is "entitled to no credit."

And here closes the Appeal. I hope I shall be excused for occupying so much space with the summary of it. If any portion of it has been offensive to any reader, I beg he will excuse me, and consider that it is all found in a book that has been written and published by a Senator of the United States.

There may be those who doubt the necessity of a reply to the Senator's appeal,—who see in the appeal itself, enough to convict its author of the substance of all that has been alledged against him, and who believe that, whatever may be wanting in that evidence to complete his self-destruction, is made up, and more than made up, by the spirit and temper and language of the appeal, and the strange infatuation of giving it publicity.

Perhaps I do not greatly differ with these persons in their premises, though I do entirely in their conclusion; for although the former are clear enough to all who will carefully read the book and reflect upon it, there may be those upon whose minds the Senator's bold flourishes and false issues may make an impression; while, to a much larger class, who have not seen the book and never will, (for it seems, for some unaccountable reason, very difficult, at this time, to find a copy) it will be (as it has been) represented as an extinguisher, which nobody can answer.

Under these circumstances, I do not feel at liberty to remain silent. I have therefore to bespeak the candid and patient attention of the people of this State to the reply which I deem it my duty to make.

Before proceeding to it, however I desire to say, once for all, that I shall have nothing to say, in the way of self vindication from the charge of "*falsehood*" and "*conspiracy*" with which every part of the appeal relating to me—as it does, indeed, to all—abounds. I have lived to little purpose, if I have not established a reputation for truth, which will render such a defence unnecessary. But I am liable to mistakes—to see things through a distorting medium—to misrecollection. In regard to all these sources of possible error, let Mr. Phelps have the benefit of every serious doubt which shall be left on the minds of the people of this State, after they shall have read and considered what I have to say.

One other preliminary remark. I enter upon my reply with a conviction that I am not to contend for mere victory over an adversary—not to strive to see how much harm I can do Mr. Phelps—how much severity I can infuse into a reply to him, or how successfully I can compete with him in the effort to divert attention from the true issue between us. This matter is one of great public interest; and not the least important question involved in it is, whether, in a case of manifest dereliction of duty, or gross immorality on the part of a public servant, the truth is not to be stated when he presents himself to claim a renewed expression of public confidence.

I now come to a more direct consideration of the appeal, so far as it relates to myself. It is mainly directed to that part of my reply to the committee, which relates to Mr. Phelps' conduct on the day of the final action of the Senate on the tariff, in which I stated that he appeared very much excited—that I was informed he was offended on account of some supposed slight or want of attention to him, and declared with oaths he would not vote; and that efforts were made to appease him;—that Mr. Cranston came to my lodgings and informed me that Mr. Phelps was acting strangely, swearing he would not vote, and requested me to go and see if something could not be done—that I went and found that he was not in his seat, but learned from the door-keeper and others, that he was in the ante-room with Mr. Conrad, who was trying to persuade him to vote—that they remained out until the yeas and nays were being called, when learning from the door-keeper that they had left the ante-room, I requested him to go for them, and that they returned, and upon

the third call of his name—the first of which was just as he was entering the chamber—Mr. Phelps voted.

Before proceeding to consider the manner in which this statement is met by Mr. Phelps, I will introduce a letter from Mr. Conrad—to which I shall have occasion soon to refer—in reply to one from me, making inquiry in regard to his agency in the matter. Mr. C. sent a copy of the letter to Mr. Phelps, who has introduced it into the appendix to his appeal.

NEW-ORLEANS, November 30th. 1844.

HON. WM. SLADE,

Sir: I avail myself of the earliest leisure time I have had, for some time past, to reply to your letter of the 11thth ultimo, which reached this city during my temporary absence from it. I cannot imagine how it should have become necessary to refer to a circumstance so very unimportant as the one you allude to; but as you say that it is necessary for the vindication of your character,† that I should relate what occurred on the occasion referred to, I do not feel myself at liberty to decline your request. Instead of answering *seriatim*, the questions you propound to me, I will succinctly narrate what transpired, taking care that this narration shall embrace, substantially, an answer to each of your questions.

The tariff bill, as you are well aware, encountered great difficulties in its passage, and the debate on it, in both Houses was long, and somewhat tedious. On the day on which the final vote was taken, the discussion had been protracted until a late hour, and the Senate having been in uninterrupted session from 10 o'clock, A. M., the patience and even the physical power of many members were nearly exhausted. Mr. Phelps, in particular, seemed much annoyed at the long continuance of the debate, and manifested great displeasure whenever a member would rise to speak. I had an opportunity of observing this, as his seat was near my own. At a late hour, just as it was supposed the question was about being put, some member—I think Mr. Calhoun—rose and addressed the Senate at considerable length. Mr. P. suddenly rose from his seat, apparently much excited, and passed by me, observing that he "would stay no longer," or words to that effect. He went into the small ante-chamber, where the hats of members are deposited, and I followed him. Seeing him take his hat and move towards the door leading out of the capitol, I endeavored to dissuade him from going, but he persisted in going. He proceeded down the stairs, and I followed him, until we reached the open air, outside of the building. There he stopped and became much calmer; and after some little persuasion on my part, he consented to return; and, indeed, from that moment seemed as anxious to get back in time to give his vote as I was, myself. When we re-entered the Senate Chamber, the Secretary was calling the yeas and nays on the final passage of the bill. My impression is, that both of our names had been called when we entered. I am certain mine had been; but as it precedes that of Mr. Phelps on the alphabetical list, I cannot speak positively as to his. I also think that he rose at the proper time and requested the Clerk to call his name and answered to it when called. I do not think that Mr. Phelps was called "just as he entered the Senate Chamber." On the contrary, I think, as I have already stated, that our names had both been already called in their regular order, before we entered, and that his name was not again called until he rose and requested the clerk to call it, and that he immediately answered in the affirmative. I have no recollection of his having been twice called, nor of his asking me whether I had voted. It is possible, however, that he may have done so. I walked up very close to the clerk's desk when I asked him to call my name, and it is possible, therefore, that both the Secretary and myself spoke in a low tone of voice. Mr. Phelps, on the contrary, went, I think, directly to his seat, and was therefore at some distance from me. In the noise and confusion that prevailed (the Senate chamber being crowded with members of the House of Representatives) it would not be at all surprising that Mr. Phelps should not have heard me when I gave my vote.

As to the "cause of Mr. Phelps' taking the course which rendered my efforts in regard to him necessary," this is more than I can undertake to say. My intercourse with Mr. Phelps has been very slight indeed—scarcely any out of the Senate—and I am, therefore, not familiar with his deportment, or his personal peculiarities, if he has any. I have already mentioned that he appeared very much provoked at the conduct of some members in protracting as he thought, unnecessarily, and unreasonably, the debate on the bill. I think it due to him, however, to state that I never, for an instant, imputed his course to any wish to defeat the bill (of which he had ever been among the most strenuous supporters) but solely to some momentary excitement, acting on a temperament perhaps naturally irritable.

* My letter was dated on the 15th, two days after my reply to the committee.

† My statement had been pronounced to be false; and was afterwards, expressly declared to be so by Mr. Phelps in a general Whig meeting, on the evening before his election. W. S.

These are the circumstances, as well as I can recollect them, connected with this occurrence. As it seems from what you say that they have been represented (I know not by whom or for what purpose) in a manner calculated to prejudice Mr. Phelps, I am gratified that I was not the channel through which they became public.

I remain, sir, very respectfully, your obedient servant,

C. M. CONRAD.

I shall have some remarks to make upon portions of this letter, hereafter.

Passing, for the present, that part of my statement relative to what I observed, during the day, of Mr. Phelps' apparent excitement, and heard as to his declarations that he was neglected and would not vote, &c., let us see how he meets the allegation in regard to his absence from the Senate Chamber, and his being in the ante-room with Mr. Conrad.

After speaking of his absence as merely an "absence from my seat at the moment when the question was put—a circumstance of daily occurrence in the Senate," and declaring that Mr. Conrad and himself "were not in the ante-room together at all," Mr. Phelps introduces, as proof to sustain these assertions, a statement of the door-keeper, Mr. Larnier—who, by the way, when speaking at Montpelier of my statement, he professed to hold in contempt, as a person with whom he had no sort of intercourse. Mr. Larnier's statement is in the form of a communication to Mr. Phelps, under date of the 1st of February, 1845, in which, after an acknowledgment of a communication from Mr. P. making inquiries as to what transpired on the occasion referred to, he says:—

"During the evening, you passed out the southern entrance two or three times, observing that it was so warm in the Chamber, that you wished to go out into the air. On coming into the Chamber, on one occasion, it was thought the vote was about to be taken on the final passage of the bill, but it was not, and the discussion was continued. You then came out of the Chamber, and remarked that 'you were tired of the discussion and would go.' Immediately after you left the Chamber, the Hon. Mr. Woodbridge rose to address the Senate, and after he concluded his speech the question was called for, and the yeas and nays demanded. Mr. Slade, of the House of Representatives, came to the door, where I was standing, and asked me if I had seen Mr. Phelps pass out. I told him that he (Mr. Phelps) had passed out a few minutes before. Mr. Conrad came to the door immediately after, and asked where Mr. Phelps was. I made the same reply to him that I made to Mr. Slade. He immediately passed out the door and, in about five minutes, Mr. Conrad and yourself returned to the Chamber, and gave your votes for the passage of the bill. Mr. Slade is mistaken if he supposes that I informed him that Mr. Conrad of Louisiana, was in the ante-room, endeavoring to persuade you to vote. Mr. Slade is also mistaken when he says that I informed him that Mr. Conrad and Mr. Phelps had left the ante-room and gone to another part of the Capitol, and that he sent me in pursuit of them—that I found them and they returned. I did not go in pursuit of you. It was Mr. Conrad that went for you as I have before observed.

The above is a true statement of what occurred on the night of the passage of the tariff act of 1842, as far as you were concerned."

Respectfully, &c.

Mr. Larnier is, I have no doubt, a very honest man; but I have not the same confidence that, upon having his mind called to the subject, after a lapse of two years and a half, during which time his attention had not been at all directed to it, his recollection of minute circumstances, occurring amidst the passing and re-passing of that evening, is to be relied on as infallibly accurate. But let us consider what he says.

The substance of his statement is this—that immediately *after* Mr. Phelps left the Senate Chamber, Mr. Woodbridge rose to speak,—that *after* Mr. W. had concluded his speech (the last speech) and *after* the yeas and nays had been ordered, Mr. Conrad came to the door and inquired for Mr. Phelps, and was informed he had passed out a *few minutes before*, and thereupon went out after him; and that five minutes elapsed before he and Mr. Phelps returned.

It seems then, in the first place, that Mr. Phelps left the Chamber immediately *before* Mr. Woodbridge "rose to speak"—and, of course, when the preceding speaker was about closing; and yet the whole drift of his appeal—including the use he makes of Mr. Conrad's statement, that he manifested impatience when members "*rose to speak*"—is to create the impression that it was the beginning of a new speech that made him impatient.

In the next place it appears from Mr. Larnier's statement, that Mr. Conrad went out for Mr. Phelps, *after* Mr. Woodbridge had *done* speaking, and *after* the yeas and nays had been

demanding; while Mr. Conrad says that he returned with Mr. Phelps "*while the Secretary was calling the yeas and nays*"—thus performing the whole operation of *finding* Mr. Phelps, and *persuading him to return*, while the Secretary was calling some forty or fifty names!

Again: Mr. Phelps says, and relies on Mr. Larner's statement to prove, that he passed out *alone* before Mr. Woodbridge began his speech. So, then, he was out *alone* during the whole of that speech. Where was he? and how did Mr. Conrad find him, amid the windings and intricacies of the building,—for it does not appear that he told the door-keeper where he was going.

But this is not all. Mr. Phelps *did not pass out alone*, for Mr. Conrad says he went out with him, and that, not when Mr. Woodbridge rose to speak, but when Mr. Calhoun (who preceded Mr. Woodbridge) "rose and addressed the Senate at considerable length."

Nor even is this all. Mr. Conrad says, he followed Mr. Phelps *into the ante-room*, and *thence* to the outer part of the building.

Mr. Phelps, indeed, in effect, admits the error of the door-keeper's statement that he went out alone, when, after declaring that he did not go into the ante-room at all, but "reached his hand in," through the door and took his hat from "the second peg from the door," he says—"in that position (the position of taking his hat from "the peg") Mr. Conrad could not pass me, (the passage into the ante-room being narrow,) but from this position *he saw me* move towards the door leading out of the Capitol." How could Mr. Conrad *see* him move towards the door leading out of the Capitol, when, according to Larner's statement, used by him as true, he went out alone a *few minutes before*, and Mr. Conrad afterwards came and asked *where he was*? Mr. Phelps plainly *contradicts his own witness*!

The whole of this story thus vanishes at the touch. I have no doubt the door-keeper believed it all true; but I have not the same confidence that Mr. Phelps believed it true, though it is difficult to say what he does, or does not, believe, when he contradicts his own witness, and commits such a palpable blunder, as to declare, in one breath, that he had passed out alone, before Mr. Conrad came to the door, and in the next, that, from the position of taking his hat from "the peg," Mr. Conrad *saw* him move towards the door leading from the Capitol.

Forced to abandon, as in effect he does, a reliance on the story of the door-keeper that he went out alone, several minutes before Mr. Conrad, we find him falling back upon an attempt to prove that he did not go into the ante-room with Mr. Conrad. Proof of this he thinks he finds in the expression of Mr. Conrad—"seeing him take his hat and move towards the door leading out of the Capitol, I endeavored to dissuade him," &c. In quoting, Mr. P. emphasises the words—"leading out of the Capitol," and argues that he could not have been moving towards the door of the ante-room from within that room, because *that door does not lead "out of the Capitol,"* and that therefore he must have moved from the place where he reached through the door of the ante-room and took his hat from the "peg." But if the door of the ante-room does not lead out of the Capitol, so neither does the next door from that, towards which they moved from the Senator's "peg," lead out of the Capitol, because there are several doors between that of the ante-room and either of the outer doors of the building. The truth is, that every door between the innermost recesses of the building and the open air, *lead* out of the Capitol; and that was what Mr. Conrad meant, as is very evident when the clause relied on by the learned Senator is seen in its connexion with the whole passage in which it is found, which he took care not to quote. The passage reads thus—

"Mr. Phelps suddenly rose from his seat, apparently much excited, and passed by me, observing that he "*would stay no longer*," or words to that effect. He went *into* the small ante-chamber, and I *followed him*. Seeing him take his hat and move towards the door leading out of the Capitol, I endeavored to dissuade him from going, but he persisted in going. He proceeded down stairs, and I followed him until we reached the open air outside of the building. There he stopped and became much calmer," &c.

It thus appears that Mr. Phelps went *into* the ante-room, and that Mr. Conrad followed him. Followed him where? Why, of course, where he went—namely *into* the ante-room. And there he saw him take his hat and move towards the door! What door? The first door that presented itself—the door leading from the ante-room, and, of course, leading *towards* one of the outer doors of the Capitol, though between either of them and the door of the ante-room several doors intervene.

It appears, then, from Mr. Conrad's statement, that he and Mr. Phelps were *in* the ante-room *together*, and that *there* he endeavored to "dissuade" the fugitive Senator "from going," and that *there* the Senator "persisted" that he *would* go. It would seem, more,

over, that it was a very convenient place for such an interview, and one where it would naturally be holden, as Mr. P. says, in describing it, that the "Senators occasionally retire to it for private conversation."

That the interview took place there, is further evident from the extreme improbability that all this 'dissuading' and 'persisting' took place in the passage leading from the Senate chamber, while Mr. P. was in the (pretended) act of reaching through the ante-room door (on the left of it) and taking his hat from "the peg." *That* was no place for such a dialogue; and besides, if holden there, it must have been in the presence of the door-keeper, who usually stood in the passage, within arms-length of the ante-room door; and *such* a dialogue in his presence, would probably have left an impression that would have saved him from the manifest error of stating, as he has done, that Mr. Phelps went out *alone* "a few minutes" *before* Mr. Conrad came to the door and inquired for him.

I beg every body to excuse me for going into this detailed argument—as they will, I am sure, when they consider, that I have but followed where the appeal of a Vermont Senator has led me; and when, moreover, they consider that he has used what he knew to be the erroneous statement of the door-keeper, for the purpose of convicting me of falsehood in regard to his being in the ante-room, that he might throw a shade of doubt over my statement with regard to more material occurrences. I say more material, because I do not regard the establishing of my alledged interview with the door-keeper, or even the alledged occupancy of the ante-room by Mr. Phelps and Conrad as very material (as I shall soon show,) any farther than respects my exemption from imputed mistake or misrecollection. Yet I deem it my duty now to re-affirm, as I do most deliberately, that on going to the Senate Chamber, and finding that Mr. Phelps was not there, I did ask the door keeper where he was—that *he told me he was in the ante-room with Mr. Conrad*, and that, when, at the close of the debate, I inquired of him where they were, he informed me *they had gone out to some other part of the Capitol*. In my statement to the committee I said he went for them. I supposed he did, because I requested him to do it, and I understood him to say he would. He says he did not go, and that is probably correct. He also says I am mistaken in saying that I learned from him that Mr. Conrad was endeavoring to persuade Mr. Phelps to vote. Possibly he did not say this to me in express terms; but of one thing I am *certain*, that, while standing with him close to the door of the ante-room, the sound of conversation within the room reached our ears, and he said to me that it was Mr. Conrad and Mr. Phelps who were conversing there. That I learned from some one that they were there, is evident from the fact that Mr. Cranston, as I shall soon show, learned it, at that very time, from *me*, as well as from *others*.

I now come to the *material* part of this case—a part which Mr. Phelps, having occupied some five pages upon other matters—mostly circumstantial—says, "deserves a passing notice."

Two days after making my reply to the inquiries of the committee, I addressed a letter to Mr. Cranston, asking him to state his recollection as to the occurrences connected with his calling on me in reference to Mr. Phelps' threatened refusal to vote. To that letter I received the following reply:—

Newport, October 23, 1844.

DEAR SIR,—I have yours of the 18th instant, requesting me to state my recollection of calling on you in relation to the vote of Senator Phelps on the tariff question.

I very well recollect that, on the day of the final passage of the Tariff Act of 1842, in the Senate, I had a conversation with Judge Phelps in the Senate Chamber, and was surprised to hear him declare that he would not vote for the bill, and that it would be lost. I did not believe that he would vote against it, or even withhold his vote, and yet I felt alarmed for the fate of the bill, from the emphatic manner in which he spoke of withholding his vote. I immediately called on you at Mrs. Spriggs', and stated what had passed between Judge Phelps and myself, and requested you to go to the Senate Chamber and see him. You went immediately to the Senate Chamber, and found that Mr. Phelps was not in his seat, but learned that he was with one of the Senators in the ante room. While the Secretary was calling the yeas and nays on the bill, Judge Phelps came into the Senate and voted for the bill, and it passed by one majority. Whether he answered at the first call of his name or not, I cannot distinctly recollect.

With great respect, &c.

R. B. CRANSTON.

Mr. Cranston having, upon Mr. Phelps' request sent him a copy of this letter, he has placed it in the appendix to his Appeal, and appended to it the following

"NOTE—As to what Mr. Slade 'learned,' it is evident Mr. Cranston knew nothing except what he derived from Mr. Slade himself. There is nothing else in my letter, except my supposed

declaration to Mr. C., which is given naked, and unconnected with any thing which might serve to explain it; and testimony of an isolated declaration, without the conversation which led to, or followed it, is never regarded as satisfactory. When Mr. Cranston comes to consider that this declaration is utterly inconsistent, as he says, both with my previous and subsequent conduct—that he had no sooner got Mr. Slade there, than I came in and voted for the bill of my own accord, without any conference with Mr. Slade; and when he comes to learn that not a word was uttered or thought necessary, by any one, to persuade me to vote for it—that all this story of my being closeted with Mr. Conrad is a mistake, and that no member of the Senate ever heard of my threats to withhold my vote—he will be satisfied, I think, that he mistook my meaning, altogether, in what he heard, and that he has done me injustice, not only in his premature and hasty representation of the story, but still greater in putting the story into such ears."

Such is Mr. Phelps' note, appended to Mr. Cranston's letter in the appendix to the Appeal.

I now turn back to the Appeal, and find on page 11, the following commentary on Mr. C.'s letter.

"All, which is important, (says Mr. Phelps) in his statement, is the assertion that I declared to him in the Senate Chamber, that I 'would not vote for the bill and it would be lost.' Now it is easily proved, as the fact was, that Mr. Cranston was under a misapprehension in this particular. It is apparent that, if any such conversation occurred, it must have been some time before I left my seat, as stated by Mr. Conrad; for, as I was out of the chamber, as stated by Mr. Larner, and as is apparent from the whole testimony, *but about five minutes*, there was not time for Mr. Cranston to go to Mr. Slade's lodgings and bring him, while I was out. This being the case, the result, as is evident from all the statements, is, that while Mr. Cranston was on this errand of kindness, I was in my seat *impatient for the question*, and complaining of the delay. If I had determined not to vote, I had nothing to do but to leave the chamber and go home. Instead of that, it is fully proved that I was impatient to end the debate, and get at the question. The true explanation of it is, that Mr. Cranston probably *overheard some expression of impatience*, and perhaps *a threat to leave the chamber unless the debate ceased*. Some remark of this kind, addressed to him or some one else, and which he probably did not fully apprehend, startled him, and sent him off upon this unnecessary, and as it proved, foolish errand to Mr. Slade. This is apparent from his own letter, for he proceeds to say, 'I did not believe he would vote against it, or even withhold his vote, and yet I felt alarmed' &c.; and from his letter to me, in which he says—'I have only to add, and I do it with pleasure, that, on no occasion before, or since that day, did I ever see or hear any thing in your conduct that indicated a feeling of hostility, or even of indifference towards that important measure; but on the contrary, on all other occasions you appeared as anxious for its success as any other member.' From all this, it is evident that, whatever he may have heard from me, *he did not understand to what I had reference*.

"*I have ever considered Mr. Cranston an honorable man*, yet I am somewhat at a loss to explain his course in this transaction. He boarded with me at that time, and must have known that there was no intercourse between me and Mr. Slade, and ought to have known that if I were out of humor, he might as soon appease me by throwing a rattlesnake into my bosom. His motives were doubtless good; but, if, instead of posting to Mr. Slade, he had appealed to Governor Crafts or any of my friends in the Senate, he would have discovered the mistake. By the indiscreet course he took (doubtless unintentionally) he merely afforded Mr. Slade an occasion for the gross fabrication which he has attempted to impose upon me and my constituency."

I have italicized certain portions of the foregoing, to which I ask the special attention of my readers as they go on.

As Mr. Phelps, in his note to Mr. Cranston's letter, professed to regard its statement of his declaration that he would not vote, as "unsatisfactory," because unconnected "with the conversation which led to or followed it," I thought I would make an effort to satisfy him on this point, and therefore sent a copy of his Appeal to Mr. Cranston, with a request that he would give me the whole conversation and the whole case, so far as he could recollect them. To that communication I have the following reply, to which I trust I need not ask especial attention. The italics are Mr. Cranston's.

NEWPORT, December 13, 1815.

HON. WILLIAM SLADE,—Dear Sir,—I have received your letter of the 25th ult. on the subject of the pamphlet lately published by the Hon. Samuel S. Phelps of Vermont, in vindication of his course in the Senate, at the passage of the Tariff act of 1812—requesting my

attention to several of its statements, and asking more detailed information as to the occurrences, and conversation, which preceded and followed what I have stated to you of my interview with Judge Phelps, in my letter of October 23, 1844.

Before proceeding to make the statements you request, I think it right to observe, that, from the beginning of this controversy, I have entered into it with the utmost reluctance, and that nothing but a sense of what it appeared to me I owed to one who, by my intervention, had, unfortunately, been made a party to it, could have induced me to have made any statement or disclosure on the subject whatever. I have now, no other than the most friendly feelings to Judge Phelps, nor ever entertained any, and have, at all times accorded to him, most willingly, his deserved character for eminent talents and upright intentions; though I could not but lament, in common with many others, that the peculiarities of his temperament were such, that those high qualities were, at times, overshadowed by feelings and tendencies, of which Judge P. himself was, most probably, unconscious.

I proceed to state, at your request, the whole conversation which occurred between me and Judge Phelps, at the interview referred to in my letter of October 23, 1844, with the attendant circumstances, so far as I can recall them.

The most important measure which had been matured, and it was possible to carry into effect, at the session of 1842, was the tariff on imports adopted in that year. It not only involved, to the highest degree, the reputation and standing of the Whig party, which had a decided majority in both branches of Congress, and would have been deeply responsible for the failure of such a measure, but, in my view, had the most intimate connexion with the future growth and prosperity of the country, and especially with that portion of it, of which, at the time, I happened to be one of the representatives. The bill for this purpose, after passing a severe ordeal in the House of Representatives, was before the Senate, under circumstances which excited in its friends the strongest solicitude with respect to its passage. The Whig party, and the friends of protection, had a decided majority in the Senate; but owing to the fact that it had been necessary to separate the land distribution clause from the regular provisions of the bill, in order to protect it from the veto, a certain number of Whigs were disinclined to vote for it. The sentiments and views of all the members of the Senate had been rigidly canvassed, and it was ascertained, to a certainty, that, if Mr. Woodbridge of Michigan would waive his objections to the omission of the provisions respecting the land distribution, the bill would pass by one majority. The bill had been the subject of discussion, for some days, in the Senate. The debate, perhaps, had been unreasonably protracted, but it was believed that the question on its passage would be arrived at, on the day, when, visiting the Senate, I held the conversation of which you request the particulars.

On entering the Senate chamber, I met Judge Phelps near the Clerk's table, and inquired of him when they would probably take the question. He replied he did not know, but whenever it should be taken, the bill would be lost. I observed that I thought it had been ascertained to a certainty, that it would pass by a majority of one. To this he rejoined, that we counted upon Senators in support of the bill, who would not vote for it. I remarked to him that then it was exceedingly important to our friends to know who those Senators were. He replied, without hesitation, "*I am one of them.*" I told him we had no fears of that—we had no fears that any man from Vermont would vote against the Tariff. He replied—"*I'll be damn'd if I vote for that bill.*" I rejoined, that I regretted to hear him make such a declaration, and hoped he would reconsider it. He was apparently much excited, at the moment, and complained of some of the Whig Senators, that they did not notice him, but treated him with contempt. I then left him.

At the session now spoken of, I boarded with Judge Phelps and Mr. Horace Everett of Vermont, in the same block of buildings, and next door to yourself. On leaving Judge P., I first called on Mr. Everett, and requested him to go to the Senate chamber, and have an interview with the Judge, with a hope of recalling him to a right view of the subject. This Mr. E. declined—saying he could do nothing with Judge P., and requested me to see Mr. Slade. I then called upon you, for the same, as I deemed it, praiseworthy object, and you immediately proceeded to the Senate, and found Mr. P. was not in his seat. I learned from you, and others, that he was, at that time, with one of the Senators in the adjoining ante-room. While the Secretary was calling the yeas and nays on the final passage of the bill, Judge Phelps came in, gave his vote in the affirmative, and the bill passed by a majority of one. About one hour, I think, elapsed between the time I held the above conversation with Judge Phelps, and the final passage of the bill. How long the Judge was absent from the chamber, I am unable to say, as he was there when I left, and absent when I returned.

Judge Phelps is under a mistake in supposing that I must have known that there was no intercourse between you and himself. I never had, at any time, the least intimation that there was any difficulty between you, until I received your letter of the 18th of Oct. 1844.

In connexion with this statement of the particulars of our conversation in the Senate Chamber, which I have now detailed to you, I ought to add, in justice to Judge Phelps, what I have said to him, in substance, in my letter bearing date December 13, 1844—that,

independent of the impression made on me by his declarations before stated, with respect to the tariff bill then pending, "on no occasion, before or since that day, did I ever see or hear any thing in his conduct, that indicated a feeling of hostility, or even indifference, to that important measure, but, on the contrary, on all other occasions, he appeared as anxious for its success as any other member."

With great respect,

I am your obedient servant,

R. B. CRANSTON.

Here is the substance of the whole case; and here I confess, I feel half inclined to leave it, lay down my pen, and close my reply; for if my indignation has been excited—and I admit it has—by the treatment I have received from Mr. Phelps in regard to this matter, it is changed by the sight of this letter, into a feeling of a very different character. But I must proceed.

The letter of Mr. Cranston establishes the following facts:—

That, one hour before the final vote on the tariff bill, Mr. Phelps declared to Mr. Cranston, in the Senate chamber, that he should not vote for the bill, and that it would be lost;—

That on being kindly appealed to, as a representative of the interests of the *State of Vermont*, he replied—"I'LL BE DAMN'D IF I VOTE FOR THAT BILL;" and

That he appeared much excited, and complained that some of the Whig Senators did not notice him, but treated him with contempt.

It furthermore appears:—

That, on hearing this, Mr. Cranston immediately called on Mr. Everett, and asked him to see Mr. Phelps, and endeavor to recall him to his duty—who replied that *he could do nothing with him!* and requested Mr. C. to call on me;—

That he then called on me, with the same request—that I immediately went to the Senate chamber, and, on arriving there, found that Mr. P. was not in his seat;—

That he (Mr. C.) learned from *me and others*, that he was, at that time, with one of the Senators *in the ante-room*;—

That while the Secretary was calling the yeas and nays, Mr. Phelps came in and voted; and

That about *one hour* elapsed between the conversation of Mr. Cranston with Mr. Phelps, and the passing of the bill.

The great importance of Mr. Cranston's statement, and the attempt of Mr. Phelps to throw a shade of doubt over the correctness of his first letter, renders it proper for me to say, that Mr. C. was member of Congress from Rhode Island, for six successive years, commencing with the 25th Congress—during the whole of which time he was greatly respected for his frank, upright and manly bearing—being eminently a man "without fear and without reproach." No man in Congress was more uniformly wide awake to every thing that was passing, and especially every thing which concerned the tariff. The great interest he felt on that question, will account for his interview with Mr. Phelps—his alarm on hearing his declaration, and his promptly seeking some one who might aid in bringing him to a sense of his duty.

Let me now consider some of the bearings of Mr. Cranston's statement.

By a very artful defence, Mr. Phelps labors to throw a shade of doubt over my whole account of this matter; and evidently thinks he has succeeded, when he ventures upon the triumphant assertion, that all I have said and done in relation to it, has been "*much ado about nothing.*" But let us see.

In the first place, here is full, clear, explicit, and incontrovertible proof of the astounding fact, that a Vermont Senator *swore*, in the Senate chamber, that he *would not vote for the Tariff bill of 1842*; (a bill which he himself says in his appeal, "was the last and only remaining hope of the Whigs") and this, because he was mad with some of the Whig Senators, for their supposed neglect and contempt of him! Upon this fact I will not stop to indulge in any comment, for I can make none that will not weaken its force. I leave it to stand out, in its simple, naked, deformity, before the people of Vermont.

But let me examine the bearing which this fact has upon what *preceded* it. Referring to what I said in my statement, of his apparent excitement in the course of the day—of my being informed that he was offended, &c., and used opprobrious language, and declared, with oaths, he would not vote, and that Senators made ineffectual efforts to sooth him—Mr. Phelps says—"It was this that startled the good people at Montpelier, who did not appear to perceive that the whole story was a piece of gossip, and that

the witness who put forth the story, in reality, knew nothing about it"; and he, thereupon, asks, with an air of triumph, who those several Senators were, who made efforts to soothe him, and who the gentleman was, who "fabricated the story, and kindly put it into" my "ears." If it were material, in the present state of the case, that these questions should be answered, my reply would be, that I took no note of names, as I doubtless should, if I had been "plotting" against Mr. Phelps, as he says I was. I was too anxious about him, and about the fate of the tariff bill, to do that. But who will now ask me for names? I have proved that, in the very midst of the Senate Chamber, and in reply to an expression of confidence that he could not misrepresent the interests of Vermont—he said—"I'll be damn'd if I vote for that bill,"—and will any body ask me to show the several steps by which the Senator's wrath had risen to this pitch of horrible and terrific sublimity? Can any body believe that it reached it, without finding vent in the presence of some one besides Mr. Cranston! And does any one who knows Mr. Phelps, believe that it produced no "*opprobrious language*"? As to attempts to appease him, they may not have been made by Senators; but that they were made by somebody, there can be very little doubt.

If it be said, as it sometimes is said, I believe, that Mr. Phelps has the certificates of some thirty Senators that he conducted very properly all that day, my reply is that there are no such certificates. He has, indeed, communications from nearly that number of Senators; but what are they? Why, the general drift of them, as I have shown elsewhere, (p. 9.) is to prove that he was friendly to the tariff bill, and had been its decided advocate. And this is confirmed, in substance, by Mr. Cranston and Mr. Conrad. But who has denied this? Certainly I have not. And yet Mr. Phelps publishes these statements, as though they disproved my assertion in regard to his conduct; when the truth is, that they not only do not disprove it, but they greatly aggravate the offence of swearing he would not vote—since the stronger he proves his friendship to have been for the bill, the more outrageous appears his conduct in giving the rein to his passions, and suffering them to gain an ascendancy over his judgment and his regard for consistency.

Besides the certificates which sustain the false issue thus raised by Mr. Phelps, most of the Senators who have addressed him, say they *do not remember* that he swore he would not vote, and used opprobrious language, &c.; and this he professes to regard as conclusive evidence that "*no such things occurred*." So then the defence of the Hon. Senator is made to rest upon a *want of recollection*, (the lowest degree of evidence) which, as every body knows, may result from numerous causes, entirely consistent with the truth of the thing not remembered. In the first place, whatever was said by Mr. Phelps in the presence of any Senator or Senators, might not have been as pointed and strong as was the declaration in the presence of Mr. Cranston. In that case, it was not a casual remark, as it might have been in the presence of Senators, but it was part of a *conversation* directly upon the question of the passage of the bill, and in reply to an appeal drawn from Mr. Cranston, by a preliminary declaration of Mr. Phelps, that Senators had been counted on to vote for the bill, who would not, and that he was one of them. The declaration thereupon made to Mr. C. was of a character not likely to be forgotten. Its connection with the conversation; its blunt and shocking profanity, and the real alarm it must have produced, (put forth, as it was, when the final vote was about to be taken,) were calculated to make an impression not easily obliterated. But casual remarks, indicating the same thing, might have been made in the course of the preceding half dozen hours, without exciting special alarm, and, of course, without making an impression which would be retained during two years and a half of absorbing cares for other things, and an entire absence of distinct retrospection in regard to this.

And besides, there is, as we can easily see there would and should be, among men associated as are the small body of Senators, a habitual disposition to banish from memory, every thing personally unfavorable to each other, and to maintain, as far as possible, friendly personal relations.

Nor let it be supposed that such declarations, as it is apparent from the character of that made to Mr. Cranston must have been made to others—(though perhaps in a modified form,) would have, at once, acquired notoriety throughout the Senate Chamber, since Senators would obviously feel a strong reluctance to speak, openly, of any thing derogatory to the character of their associates,—while another motive to quietness would be found in a well-grounded apprehension that notoriety would but aggravate the spirit in Mr. Phelps, which there would be a strong desire to allay. This want of general notoriety, is strikingly illustrated by the fact, that the declaration of Mr. Phelps in the

presence of Mr. Cranston did not reach the ears of Mr. Evans, who speaks in his letter to Mr. P. of his extreme watchfulness in regard to the votes which could be counted on in favor of the bill, and expresses the opinion that if Mr. Phelps had been absent, under circumstances indicating an intention not to vote, he should have known it; and yet it is now clearly proved, by Mr. Cranston, that, but one hour before the vote was taken, a Senator who had been friendly to the bill, *swore he would not vote for it*—and by Mr. Conrad, that the same Senator, almost immediately after, rose from his seat, “*much excited*,” and went out, saying “he would stay no longer!”

Some of the Senators in their answers to Mr. Phelps, think it improbable that such declarations were made by him, because of their inconsistency with his previous course. But those Senators, it is evident, do not *know* him. Those who do, know, that when he is excited—especially with liquor—motives either of consistency or shame exert but a very feeble influence over him,—as it is evident they did not, in his interview with Mr. Cranston, as well as in his interview, the year before, with Mr. Hall, and in his conduct as stated by Messrs. Mæch and Adams.

I have spoken of the bearing of Mr. Phelps' declaration to Mr. Cranston, on the question of his probable temper and conduct, *preceding* that declaration. But it has, also, a very important bearing on what *followed*. Mr. P. takes great pains to create the impression that his excitement was the excitement of anxiety for the fate of the bill, and that his impatience arose from the protracting of the debate. Alluding to my remark that he “appeared very much excited,” he puts on an air of most profound gravity, and says—(p. 6.) “That *we were all* excited at that great political crisis, is not to be doubted. If I were so, from *excessive anxiety for the fate of the bill*, it is a feeling in which the Governor himself participated, if you can believe him.” Again he says—(p. 10.) “That we should have become impatient of unreasonable debate is not to be wondered at. And that my movement was intended as a *finesse* to stop the discussion, is probably the fact. Such movements are not uncommon. Indeed I have on other occasions, practiced the same.” All this is put forth, with as much apparent gravity, as though not a muscle of his face moved when he wrote it; while, with equal gravity, he adds—“That I had no serious purpose of leaving the Capitol, is evident from Mr. Conrad's statement, that, on reaching the open air, I stopped of my own accord; and probably had he not followed me, I should not have proceeded as far as I did.” And yet notwithstanding all this grave pretence of having no design to leave the Capitol—of excessive anxiety for the fate of the bill, and of going out as a *finesse* to stop debate, this very going out was probably within 15 or 20 minutes after his conversation with Mr. Cranston, in which he said not one word about the protracted debate, or about his impatience for the question, or about his “*excessive anxiety for the fate of the bill*,”—but, in a paroxysm of jealousy and wrath at the supposed neglect and contempt of certain Whig Senators, *imprecated damnation on himself if he voted for it!*

Again: Mr. Phelps takes very great pains to create the impression that his absence was but for a very few moments—frequently repeating such expressions as these—“My absence from my seat, at the moment the question was put—a circumstance of daily occurrence”—“My temporary absence”—“The five minutes that I was out of my place”—“As I was out of my place but five minutes, there was not time for Mr. Cranston to go to Mr. Slade's lodgings,” &c. One might think that Mr. P. supposed the duration of his absence was to be conclusively settled by the mere force of reiterated assertion. But let us see what there is in the case bearing on this question.

The duration of his absence may be inferred.

1. From the fact that the speeches of Mr. Calhoun and Mr. Woodbridge intervened between his leaving the Chamber and his return. Mr. Conrad is correct in saying that Mr. Phelps went out when Mr. Calhoun rose to speak; and he is also correct in saying that Mr. C. “addressed the Senate at *considerable length*.” This I well remember. He was speaking when I entered the Chamber, and found that Mr. Phelps was out. He did not make what is called a long, set speech—which he seldom does; but it was such a speech as his position, and the occasion demanded. His position was that of leader of the free trade party in the United States, and the occasion one of the most important that has ever occurred in the history of our tariff legislation. He spoke I think from twenty to thirty minutes. The speech was noticed in the National Intelligence, in the following summary manner.

“Mr. Calhoun said that, if the Whigs had lost the distribution measure, they had gained another in this bill, which was *more protective*, and laid duties *more unequally*, than any bill for protection, which had ever been passed by that body.” These positions, I remem-

ber, he undertook to sustain somewhat in detail, attempting to show, in several particulars, the highly protective character of the bill, and how it laid duties unequally, and more unequally than former tariff bills.

The notice of his speech is very much like that of the other speeches of that day—such for example, as those of Mr. Smith of Connecticut, and Mr. Simmons of Rhode Island, which were thus noticed.

“Mr. Smith of Connecticut condemned the bill as having in view the protection of one great interest, at the expense of, and injury to, the others.”

Mr. Simmons replied, and spoke in defence of the bill, as being necessary to the support of the government and the protection of the great manufacturing, agricultural and other interests of the country.”

Such was the style of reporting most of the speeches of that day. It was reporting what Senators spoke *about*, rather than what they *said*; and it will, therefore, surprise no one to learn that *the whole of the eight hours' debate* of that day occupied but *three quarters of a column* in the National Intelligencer; and yet Mr. Phelps, after endeavoring to create the impression that he went out at the commencement of Mr. Woodbridge's speech (which followed Mr. Calhoun's and closed the debate)—says, that it lasted but a very few moments, and in proof of it, suggests that it occupied but “six or seven lines of the ordinary newspaper column.”

I feel perfectly safe in saying that the speeches of Mr. Calhoun and Woodbridge occupied from thirty to forty minutes—I think forty.

The duration of Mr. Phelps' absence may be inferred,

2. From the fact stated by Mr. Cranston, that *an hour* elapsed between the time he left Mr. Phelps, swearing he would not vote for the bill, and the taking of the vote. He says he called immediately on Mr. Everett, who sent him to me; and that I immediately went to the Senate Chamber, and found that Mr. Phelps was out; and that *he found him out* on his return,—which I am confident was as soon or sooner than my arrival at the Chamber. As Mr. Everett and myself boarded within 40 or 50 rods from the Capitol, any one can estimate the portion of the hour consumed in Mr. Cranston's going and returning, including the time necessarily spent with Mr. Everett and myself.

Finally, the duration of Mr. Phelps' absence, may be inferred,

3. From a consideration of the temper in which he left the Senate Chamber, and the work to be performed by Mr. Cranston or somebody else, during the absence. It was nothing less than to persuade a man to vote, who had just said *he would be damn'd if he would vote*; and said it, too, in the Senate Chamber, with a full view of the consequence of the refusal—a loss of the bill;—said it in defiance of all the high motives which the place—the occasion—the question—his own honor and consistency—and the interest of his constituents and his country were calculated to impress upon him. To change a mind thus excited, and screwed up under *such* a pressure of motive, to *such* a determination,—who will say that *this* was a work of “five minutes”? When or where was such a case (if there ever was another such) cured in five minutes or five times five?

It thus appears, that during the whole time that Mr. Calhoun was endeavoring to show the highly protective character of the bill, and how unequally it laid duties, compared with former tariffs, and Mr. Woodbridge was giving reasons for dispensing with his scruples on account of the omission to provide for a distribution of the proceeds of the sales of the public lands, Mr. Conrad was engaged in the no less important, and certainly not less difficult, task, of making Mr. Phelps “*much calmer*,” and securing a vote that saved the bill. From my heart I thank him for his successful labor; and every man in Vermont ought to thank him.

But Mr. Phelps says there was *no* such labor. Referring to Mr. Conrad's letter, he says —“This letter of Mr. Conrad shows conclusively that no persuasions were used by him to induce me to vote.” But how can he have a face to say this, when the very letter was before him, in which Mr. C. says, that when, having followed him into the ante-room, he saw him take his hat and move towards the door, he “endeavored to *dissuade* him from going,” and that “*he persisted in going*?” For what purpose was this “*dissuading*,” but to induce him to return and vote; and for what purpose this “*persisting*,” but to get away from voting. He was going, evidently, in the spirit and purpose just expressed to Mr. Cranston; and Mr. Conrad's labor, must therefore have been directed to the allaying of that spirit, and preventing the execution of that purpose. He does not, it is true, give the conversation between them, during that half or three quarters of an hour; nor is it necessary he should. It needs no revelation from him to enable us to form a correct idea of its sub-

stance. He has kindly drawn a veil over it—which, for the honor of Vermont I do not regret—and Mr. Cranston would evidently have done the same, if he had not felt impelled by a sense of duty to me, as explained in his letter, to state the whole truth.

In regard, however, to Mr. Phelps' interview with Mr. Conrad, my belief is, that it was not marked by all the violence of language which characterized the conversation with Mr. Cranston; and I am inclined to think he did not, as *directly*, as in Mr. Cranston's presence, express his determination not to vote. Mr. Cranston was a fellow-boarder, to whom, probably, he had, in his periods of excitement, been in the habit of speaking, without the restraint which he might possibly feel in the presence of Mr. Conrad, with whom, according to Mr. C.'s statement, he had had but "very slight intercourse—scarcely any out of the Senate." The "excitement" under which Mr. Conrad says he rose and left the Senate Chamber was, evidently, the same excitement which had just found vent in the declaration in presence of Mr. Cranston. This nobody can doubt. But *here* the pent-up jealousy and wrath was differently manifested, namely, by "*suddenly rising from his seat, much excited*,"—saying "*I will stay no longer*"—leaving the Chamber—taking his hat in the ante-room, evidently with the intention of going *home*, and, of course, with an intention not to vote—and "persisting" that he *would* go, in opposition to Mr. Conrad's efforts to "dissuade" him *from* going. What was the manner of this persistence,—whether accompanied by his usual complaint of Whig Senators, or by his customary profanity when excited, or by a declaration, in so many words—"I will not vote," does not appear. If there was not a spice of all this—notwithstanding his peculiar restraint in presence of Mr. Conrad—it was as unlike *him*, as it was unlike the spirit he had just manifested in presence of Mr. Cranston. It is true, Mr. Conrad says that he did not "impute his course to any wish to defeat the bill—of which he had ever been among the most strenuous supporters—but solely to some momentary excitement, [what that excitement was, he must have known, but does not state,] acting on a temperament perhaps naturally irritable." Nobody pretends that Mr. Phelps had any *wish*, that is, any settled purpose, to defeat the bill; but the excitement arising, as we have seen, from jealousy of Whig Senators, and aggravated, probably, by *another* stimulus than that of jealousy, was so strong and absorbing, as to make him regardless alike of the convictions of his judgement, and of his own consistency, and induce him to take a course which, but for Mr. Conrad, would, undoubtedly, have resulted in the loss of his vote, and a defeat of the bill.

There is one feature of Mr. Phelps' Appeal, touching this matter of the tariff vote, which strikes me very strangely. It is his apparent want of recollection of the interview between Mr. Cranston and himself. The reader will have observed how he flounders through this part of the subject, in the paragraph I have copied, (see p. 17,) in which he professes to think that Mr. Cranston "indistinctly overheard some expression of his impatience, and perhaps a threat to leave the Senate Chamber, unless the debate ceased;" and that "it is evident he did not understand to what I had reference." And there seems to be the same want of recollection relative to the transaction stated by Mr. Conrad—in regard to which Mr. P. says, "I have *no distinct recollection of the occurrence*, yet I have no idea that I entertained the serious purpose of leaving the Capitol," &c.

What does this want of recollection mean? I have proved by Mr. Cranston, that he held a distinct conversation with Mr. Phelps, who complained of the neglect of Whig Senators, and declared, with a most revolting accompaniment of profanity, that he would not vote; and from Mr. Conrad it appears, that Mr. P. soon after, rose suddenly from his seat, said he would stay no longer, and went out; and that, at the ante-room, Mr. C. tried to "dissuade" him from going, and that he "persisted" he *would* go;—and yet he has no recollection of these occurrences! Nevertheless, he well remembers that he reached his hand through the ante-room door, and took his hat from the peg! That "*peg*" is a thing to be remembered! The rest is forgotten! I have no disposition to retort on Mr. Phelps the charge of deliberate "*falschood*," which he has so wantonly made against me; but if he is not guilty of falsehood, in this professed want of recollection, the ultimatum must be that he was in *no condition*, at the time these occurrences took place, to remember what he said or did. He may take which horn of this dilemma he chooses.

As to the precise place where the interview with Mr. Conrad was holden, upon which Mr. Phelps expends so much time, it is of no sort of consequence. I said it was in the ante-room, and say so still; and in this I am confirmed by Mr. Cranston, who says that he *then* understood from *me* and *others*, that Mr. P. was in the ante-room, with a Senator. But Mr. Phelps may fix the *locus in quo* any where he chooses—higher up, or lower down, or out of doors. After all it was *somewhere*, and notwithstanding his attempts at evasion, the ques-

tion must be answered—why was it *any*-where! Why, every body will ask, was Mr. P. followed out, and half or three-quarters of an hour spent in “dissuading” him from going, and “persuading” him to return! Why did not somebody follow Mr. Wright and Mr. Williams and others when they went out, as stated by Mr. Wright in his letter to Mr. Phelps! Who thought of “taking care” of *them*, or of any body but the Vermont Senator! These are questions which will be asked, and which cannot be answered, truly, without scattering to the winds all the pretences under which Mr. Phelps has labored to shield himself from censure, and bring upon me what he knows to be unmerited reproach.

Mr. Phelps expends much time in attempting to show that he was not twice called after he entered the Senate Chamber, and did not ask Mr. Conrad if he had voted, and that Mr. C. did not stand behind him. These circumstances were stated by me, just as I recollected them. There is but one of them about which I have, now, any doubt; and that is the position of Mr. Conrad. As there were many Senators standing up at that anxious moment, I may have innocently substituted in my recollection, Mr. Conrad for some other Senator standing behind Mr. Phelps. But that Mr. P., upon the second call of his name, (the first being just as he was entering the chamber) asked Mr. Conrad if he had voted, is what *my ears heard*, and my memory distinctly retains. Yet this does not materially affect the main point; and I now re-assert it only because *it is true*. While Mr. P. has expended pages of his book upon the mere circumstantialities of my statement, the substance of it has been, thereby, but the more firmly established.

If I needed further confirmation of the correctness of my statement, I have it, indirectly, in the statements of Messrs. Hall, Meech and Adams. If the reader will turn to the statement of Mr. Hall, he will see almost a fac-simile of the Senator, as described by Mr. Cranston, in the leading features of profaneness, complaint of Whig Senators and declaration that he would not vote. The same jealousy of Senators was strikingly exhibited in his declarations in the presence of Mr. Meech; while his “*turbulence*” as described by Mr. M. and his “*rage*” as described by Mr. Adams, look very much like the spirit which dictated the declaration—which I have no wish to repeat—in the presence of Mr. Cranston. All these gentlemen, moreover, declare that he was, on the occasions described by them, under the influence of the free use of intoxicating liquor; which also corresponds with my own declaration in regard to his apparent condition, on the evening of the passage of the tariff.

It will be recollected that the occurrences related by Judge Meech took place in the winter of 1811—those by Mr. Hall in September following*—those by myself in August, 1812, and those by Mr. Adams in the winter of 1811. The same general features appear in them all, while, as face answereth to face in the water, so do they all answer to what has been often witnessed much nearer the place of Mr. Phelps’ residence than the city of Washington. The Daguerreotype itself never produced a likeness so perfectly true to the life.

I will only add, on this part of the subject, that, if Mr. Phelps has not been greatly misrepresented by those who have the means of knowing, there is some reason for asking him to “define his position” on the occasion of the passage of the Annexation resolutions in the winter of 1815. He professes “a high sense of accountability” to his constituents, and will, therefore, doubtless be willing to tell them where he was when the Senate was ready to take the vote on those resolutions;—whether any Senator made an effort to get him into vote—and if so, whether the effort was effectual; and if not, what connexion it had with the recess of the Senate on that occasion. Mr. Phelps ought to be informed that answers to these questions are desired by some of his constituents.

It now remains for me to consider Mr. Phelps’ defence against the charge of intemperance. There are three allusions to this subject, in my reply to the committee. First, my statement that Mr. P. was under the influence of liquor, during the evening of the passage of the tariff. In regard to this I am much mistaken if my readers have not found satisfactory evidence of it in the exhibition he made of himself in the presence of Mr. Cranston. It is the most charitable way of accounting for his language and conduct on that occasion. But he has not denied it. He rather *avoids* it, by entirely excluding from his Appeal, that part of my reply to the committee which contains it. He has also, in the same way,

* Mr. Hall says he had seen Mr. P. in a similar state of mind, and heard from him similar remarks in regard to Whig Senators, &c. at several other times. See his statement, p. 7.

avoided an issue on my statement with regard to his intemperance, while boarding at Mrs. Pitman's, and Mrs. Smith's, which I shall more particularly notice hereafter.

The only part of my statement relating to his intemperance, on which he seems willing to make an issue, is, that he was confined at a house on the Hill, several weeks, during the first session of the 27th Congress, (1842) by ill health, occasioned by "excessive drinking;" and in regard to this, it will be observed, (p. 16 of the Appeal) that he makes no issue on the alleged *cause* of his sickness, but merely on the question of its *duration*. To show that I was mistaken in regard to this, he refers to the Journal of the Senate and the Register of debates, for proof that, from the 18th of June—when he says he removed from Brown's tavern to the Hill—to the adjournment of Congress on the 31st of August, he was in his place in the Senate, every day, excepting the 15, 16, 18, and 19, of July, when he was, as he admits, confined by sickness—and the 7th of July and the 19 and 22 of August, for which he assigns no cause. "Here are four days," he says, "magnified into several weeks." He should have said five, because the Sabbath intervened between the 16th and 18th.

Mr. Phelps' allusion to the Journal has sent me to the same source of information, where I find that his name does not appear, either among the yeas and nays, or in any other way, from the 9th of July inclusive, to the 20th of the same month, excepting on the 14th. Nor do I find his name connected with the debates during that time, as given in the *Intelligencer*. This corresponds as to the *duration* of his absence—though not precisely as to the time of its occurrence—with the statement of Gov. Crafts, on which Mr. Phelps so much relies, in which he says—"Excepting about 10 or 12 days in the latter part of July and beginning of August, his health was good, and his attendance in the Senate and on the Committees, was as regular as that of any other member whatever. During the 10 or 12 days above excepted, Judge Phelps was very unwell—was confined to his bed 6 or 7 days of that time, and under the care of Doct. Sewall. He was not only very unwell, but very low-spirited. During his sickness I saw him every day."

Here then, according to Gov. Crafts, was *ten or twelve* days, instead of *four*, in which he was "very unwell," and nearly a week of that time confined to his bed, with Doctor Sewall in attendance. *What was the matter with him?* The only account Gov. C. gives of it is that he was very low-spirited"! Mr. Phelps, though he refers to this sickness—(his four days being evidently a part of Gov. C's 10 or 12)—and though it was alleged to have been occasioned by excessive drinking—does not deny it, but spends his whole force in attempting to establish the immaterial point that it was not of "several weeks" duration. I say immaterial, because, if he was sick from *intemperance* 10 or 12 days, or half that time, the substance of the charge is established.

As to the *duration* of the sickness I might have been mistaken, but I *was not* in regard to the *cause* of it. I perfectly understand the "low spirits" of Mr. P. and as perfectly recollect the conversations I had with Gov. Crafts about his condition and the cause of it. Gov. C. and myself boarded together, and had very frequent conversations in regard to Mr. Phelps' condition; and he made no secret—for it was no secret—that the sickness was produced by intemperance. I well remember he told me that they *kept liquor from him* during that confinement; and this *he repeated to me in the presence of others at Montpelier*, soon after he made his reply to the circular of the committee. I said in my reply to the committee that "his condition was a subject of conversation and painful regret among the Vermont delegation and others." This he *omits* in his quotations from the reply!

I stated to the committee that I understood from Doct. Sewall that his ill health was the effect of excessive drinking. Under the head of "*one more falsehood exposed*," Mr. P. says that he has a note from Doct. S. "in which he denies having given occasion or authority for any such statement." Why does he not produce this note! From the fact of its being withheld, I have reason to suppose it may be very much such a note as the Doctor sent to me, in reply to one asking him to state whether Mr. Phelps' sickness was, or was not, produced by excessive drinking. His reply (dated, Oct. 29, 1844) was simply this—

"I am sorry not to be able to reply to your communication received yesterday. I have ever made it a rule, and have adhered to it throughout, to regard whatever I do professionally, as strictly confidential, when it may affect the feelings or interest of the patient."

Confidential when it may *affect the feelings or interest* of the patient. Of course *not confidential* when *not* affecting his feelings or interest. It was as much as to say—a disclosure *would* affect the feelings or interest of Mr. Phelps, and therefore I cannot make it. If I had put such a question in regard to a sickness, say of Judge Prentiss, what would have been

the Doctor's reply? Why, promptly, that it did *not* originate in the cause intimated. And why not make the same reply, in the case of Mr. Phelps? The inference is irresistible—he *could not*!

If it be said that, upon the principle above suggested by Dr. S., he could have made no disclosure to me at the time, as to the cause of Mr. P.'s sickness, my reply is, that he made *no formal disclosure* to me of any thing concerning Mr. Phelps. While Mr. P. was sick, I occasionally met Dr. S.—with whom, and with whose family, I had, for years, been on terms of the most friendly intimacy—and inquired after his patient. The character of his complaint was a subject of casual conversation, as a matter that was no secret. I did not think of *drawing* any thing from the Doctor, nor did he think of *disclosing* any secret to me; and did not disclose any.

A word of explanation in regard to my statement as to the duration of this sickness. My mistake originated in bringing two periods of sickness together, which were separated. The "10 or 12 days" in July was one of them. The other was in the fore part of May, when he was at Brown's tavern—from whence he says he left on the 13th for Vermont. Neither the Senate Journal nor the daily account of debates in the *Intelligencer*, show that he was in his place in the Senate, from the 30th of April to the 12th of May, excepting the 3d and 4th of that month.* The Senate was not in session on the 6th and 7th.

It would thus seem, that he was detained from the Senate Chamber, at Brown's tavern, nearly the same length of time, in May, that he was sick on the hill, in July following; and it was probably the association in my mind of these two periods that led me to speak of a confinement of "several weeks."

I said, in my reply to the committee, that I understood that Mr. P. was persuaded to retire to the hill from Brown's tavern, and that Gov. Crafts told me at the time, that he had advised him to leave Brown's. I did not say why he was thus advised and persuaded; but Mr. P. infers, and infers justly, that it was to get him away from temptation; and he thereupon says he "will not stop to comment on the unparalleled meanness of such an insinuation." That Gov. Crafts said to me that he advised Mr. P. to leave Brown's *for the reason suggested*, I most deliberately affirm; and that he made the same declaration to another—adding that if Mr. P. remained at Brown's, he was afraid he would ruin himself—I *am able to prove*, if necessary. But Mr. Phelps says that Gov. Crafts's letter to him "clears him boldly and decisively from such an imputation." I have given that portion of the letter referring to this subject, on p. 6,—the substance of which is, that when he arrived at Washington, he found Mr. P. boarding at Brown's, and made an effort to find a boarding house on the hill, where they could both be accommodated, but failed; but that this desire to get away from Brown's was not that he saw any thing to create a suspicion that Mr. P. "frequented the bar," for "he saw nothing,"—but that the hill was "more airy."

Now, in the first place, Gov. Crafts is mistaken as to the time when my statement represents him to have advised Mr. P. to leave Brown's and go to the hill. It was not, as his letter supposes, soon after his arrival in Washington—which was on the 20th of April—but it was when Mr. Phelps actually left Brown's and went onto the hill, which, as he states, (p. 15.) was on the 18th of June, twelve days after his return from Vermont—that being, as he states, on the 6th. It was during *those* twelve days that matters got into such a state at Brown's, as to make it proper for the Governor to advise Mr. P. to remove to "a more airy location."! The mistake is about equal to another, which Mr. Phelps himself found it necessary to correct, as I have shown, p. 6.

But this is not the only error of the Governor's recollection in regard to this matter, for, as to the time in *May* to which his letter to Mr. P. refers, it appears that, from his arrival (April 30) to Mr. Phelps' leaving for Vermont (May 13) the latter was in his place in the Senate but three days; and yet the Governor says, "except about ten or twelve days in the latter part of July and part of August, his health was good, and his attendance in the Senate and on the committees was as regular as any other member whatever." Having thus entirely forgotten Mr. P.'s absence from his place in the Senate the greater part of

*The Journal gives no adequate idea of the actual absence of a Senator, much less of his condition. Gov. C. says that, upon Mr. P.'s recovery from the 10 or 12 days' sickness, he was able to resume his seat *but a short time* each day. The Journal shows much of this in cases of appearing of Mr. P. I open it for July, and find, for example, that, of two calls of the yeas and nays on the 2d, he answered none,—of four on the 5th, he answered one,—of six on the 7th, he answered none. I find, too, that on the 3d of April, when I learn from another source that he was, for a short time, in his seat, he failed to answer to two calls of the yeas and nays, the only calls on that day. I might cite other examples. On looking at the list of yeas and nays during the months of April, May, June and July, I find that of the 91 calls during that time he answered to 23, and failed to answer to 78—25 only of which were during his alleged absence in Vermont.

the first twelve days in May, it can hardly be supposed that he would retain a very distinct recollection as to his *condition* during that time.

My readers will have observed, in a part of my reply to the committee (p. 4) included in brackets, and omitted in Mr. Phelps' Answer, a statement in regard to his intemperance while boarding at Mrs. Pitman's and Mrs. Smith's. He was at Mrs. Pitman's a month or more at the beginning of the session, and at Mrs. Smith's some two months of the last part of it—having been, in the intermediate time, at Brown's tavern, and at a private house, under the care of Doct. Sewall, excepting when he was absent in Vermont. Mr. Everett of Vermont boarded with him at Mrs. Smith's, when Mr. Cranston went for Mr. E. upon the occasion of Mr. Phelps' swearing he would not vote, and when Mr. Everett said he could "*do nothing with him*"!

It is manifest from Mr. Phelps' omission of this part of my statement, that he chooses to avoid an issue upon it, though, if the statement were untrue, he has ample opportunity to show it, by the testimony of those whose names I have given as his fellow boarders, namely, Messrs. Evans, Fillmore and Young, at Mrs. Pitman's, and Messrs. Murehead, Gamble, Warren and Everett at Mrs. Smith's; to which I will now add, Judge Prentiss and Gov. Mattocks at Mrs. Pitman's; and Mr. Cranston at Mrs. Smith's. If my statement is not true, it can be shown by some of these gentlemen. Four of them—Messrs. Prentiss, Everett, Mattocks and Young are in Vermont, within his immediate reach; one of whom—Mr. Everett—is the individual to whom I specifically referred in my statement, as having spoken to me of his course at Mrs. Smith's. One of them—Judge Prentiss—was addressed by the committee, and *declined to answer*. It is to be regretted that Mr. Everett, Gov. Mattocks, and Mr. Young had not been addressed by the committee—as they would have been, if I had had any thing to do with the proceeding. But it was determined (why, I never knew) to address those only who were then present at Montpelier. But these gentlemen are within reach, and Mr. P. can avail himself of their knowledge of the case if he chooses. Evidently, however, he does not choose to go into this matter. Indeed, he says, expressly, (p. 13) "So far as this stale charge (of intemperance) is concerned, I shall content myself with the evidence already before the public, and shall leave it where the investigations of this redoubtable committee left it." And throughout his whole book, he treats the subject of his alleged intemperance, as a matter with which the public have nothing to do, excepting so far as it directly disqualifies him for the "faithful and effective discharge" of his public duties; which he denies that it has, at any time, done, and especially at any time during the long session of the 27th Congress, (1842) to which my statement principally relates. To sustain this denial, he refers to his labors on committees, in the winter of 1842; stating that between the 31 of January and the 22 of March, inclusive, he presented to the Senate "fifty-two reports, occupying a space of about 200 pages in the printed documents." Without feeling the slightest disposition to disparage his labors as a member of the Committees on Claims and Pensions, I must be permitted to say, that an examination of the "printed documents" shows but 48 reports made by him within the time mentioned, "occupying a space" of about 155 pages. He further says, "In the course of the session, I made about 80 reports, in all, filling over 200 pages of the printed documents," when "the printed documents" show but 67 of his reports in all, (many of them very brief,) filling but 175 pages.

I do not refer to these variances, as a matter of very great importance, though, if it was important that any boast should be made of the reports, it is, to say the least, well enough to have the truth stated. The variance need not have resulted from an error, either of observation or memory, because the truth rests entirely in the "printed documents," to which Mr. Phelps professes to refer for evidence, and which he must have had before him.

One thing, however, of some little importance, has been disclosed, by the examination into which Mr. Phelps' boast has led me. It is, that, from the 13th of April, to the 27th of July, (three and a half months) Mr. P. appears to have made *no reports whatever*. And this, evidently, was not because the business of his committees had been closed, for it appears from the same "printed documents," that from the 27th of July to the 16th of August, he made 15 reports from the committees of Pensions and Claims. Why was his labor on the committees *suspended* during these *three months and a half*?

That Mr. Phelps performed valuable service on the committees of claims, especially of Revolutionary claims, during the winter of 1842, is unquestionably true. That he has capacity to perform that kind of labor, and to perform it usefully, I cheerfully admit. But

does he think that these labors are to atone for his intemperance and failures in duty, at other times? Do not his labors, and his capacity to labor usefully, rather make his previous and subsequent indulgence and neglect of duty the more striking and inexcusable? Is the complaint of intemperance and profane threats of abandoning his post when crises for important action arise, to be met by saying that valuable labor has been performed at other times? The people want Representatives who may be counted on as faithful at *all* times,—who will not, in fits of jealousy and anger—whether produced or not by intemperance—refuse, in moments of peril, to do their duty. How much value would a farmer put upon his horse, which, though he draws well on level ground, when he comes to a sharp patch, stops,—looks round—and *runs back*? He may be a very good-looking horse, to draw, but of what avail will they be, if, when “a pinch comes,” he says—* * * * *. I was going to put into his mouth the Senator’s language, but I forbear: I will do no least such injustice. Even Balaam’s, when he opened his mouth, did not swear, but rather “forbade the madness of the prophet.”

If a man, through intemperance, or tickleness, or jealousy, fails when the crisis comes, he fails for the whole. “England expects every man to do his duty,” said a noble leader in a great crisis. And so does Vermont expect her Senators and Representatives to be at their posts, with clear heads, and steady nerves, and strong hearts, to do their duty, whenever her great interests are at hazard—especially when it is known, as it was in the case in question, that the fate of an important measure hangs suspended on a single vote.

But, says Mr. Phelps—alluding to the tariff vote—“still I was in my place and voted in season to have my vote recorded;” and this he treats as a sufficient answer to all that is said about his alleged threat not to vote. In reference to the statement of Mr. Hall, (see p. 7,) that he said he would not vote on the land bill, he waxes very bold, and says—“The journals of the Senate give me the lie to all pretence of a dereliction of duty. I meet this charge boldly, with the journal in my hand. It shows that I voted 59 times on that bill.” And thereupon he pronounces Mr. Hall’s statement “miserable twaddle,”* because, he voted 59 times! What strange logic! Here is a *Senator*! who, on being asked whether a bill, very important to his constituents, will pass, replies, “*I don’t know, and don’t care—I am not going to vote upon it.*” And, in another case, on being mildly urged as a *Vermont-er*, to vote for a bill, still more important to the people he represents, he says—“*I’ll be damn’d if I vote for*” it. And yet having finally voted on both of them, after being seen to, and “taken care of,” he turns round and says, There, I voted! and taking up the journal containing his recorded vote, exclaims—this journal “gives the lie to all pretence of a dereliction of duty,” and with it I boldly hurl defiance at all my accusers!

The people of Vermont can here see their Senator! They see at once his logic, and his standard of duty. In his estimation, it seems to be of no importance what a Senator says or does—how much liquor he may drink—how often he may get mad, and swear he will not vote, or how much expostulation and entreaty may be necessary to persuade him to do his duty; if the journal shows that he finally voted, it is enough; and if, thereafter, any one dares to state the facts, and to say that he thinks it unsafe to entrust power to such hands, he must be charged with “*falsehood*,” and “*conspiracy*,” and held up to public scorn and reprobation.

And this brings me to the consideration of a grave question, which is raised by the Appeal before me, namely, whether the people have any thing to do with the moral character and conduct, and habits of a Senator or Representative, or any other officer of their choice, excepting so far as they directly affect the performance of his official duties. Referring to his interview with Mr. Hall, and the “violent, coarse, and abusive language,” and “oaths” there used by him, (attributable, as Mr. H. says, to “the use of intoxicating drink,” see his statement, p. 7,) Mr. Phelps asks—“*What have the world to do with this conversation?*”—and in reference to his swearing that he would not vote on the tariff bill, he says—“To put the worst construction on my conduct, I did not do what I threatened to do; and if I had, *no harm would have been done*,”—putting the failure of harm upon the ground that “if the bill had been *negatived*, Mr. Mangum and Mr. Barren were prepared to move a reconsideration next morning!” And with this accords the whole tenor of his Appeal.

What have the world to do with my violent, coarse, abusive and profane language, and the intemperance which produced it! and *what harm* was there in my profane threat that I would not vote! Such is the idea that Mr. Phelps entertains of the character and scope

* Twaddle! a favorite word with the learned Senator; but nowhere to be found out of the pot-house vocabulary.

of his *representative responsibility*! It seems not to have entered his mind that his constituents and country have an interest in his moral character and conduct. He seems never to have thought of the deep and vital injury which an indulgence in intemperance, profanity, and wrathful passions, by a man standing in his high position, inflicts upon the community. What a terrible effect must *such conduct*, and such an *avowal of exemption from responsibility*, have upon the minds of young men, whose principles and characters are forming for future life—perhaps for high and responsible public stations. Alas, for the fate of a people, who can regard with approbation, or even with indifference, the Senator's rule of responsibility; and the character of whose public men shall be formed upon the model exhibited in his Appeal to the people of Vermont. When, or where, in the whole history of representative government, has there been formally set up such a claim of exemption from responsibility as this? I look at it, and almost doubt the evidence of my own senses, when I see a Senator gravely and self-complacently submitting himself, upon such ground, to the judgment of the people of Vermont.

And I regard with almost equal astonishment, his claim that all investigation into his conduct—excepting that which is strictly official—is an unwarrantable “inquisition into his private life,” and a violation of “the sanctity and confidence of the domestic fireside.” No matter how intemperate, or profane, or vulgar, or passionate a Senator may be,—it is all in “the domestic circle.” The public boarding-houses in Washington—the rooms around the Senate Chamber, and even the Senate Chamber, itself, become by his presence, strangely transformed into the sanctuaries of private life! Such a claim is below the dignity even of ridicule.

But after all, as if half-conscious that he cannot successfully shelter himself under these pretences, he shifts his defence and says—“The charge of intemperance is a stale one,” and “has been repeatedly passed on by the people of this State.” It was urged (he says) on his first election, as Judge of the Supreme Court, in 1831—was repeated for years afterwards, during which he received seven elections to the bench, and was urged when he was transferred to the Senate of the United States; and after five years of service there, he was “re-elected to the same post, in defiance of the testimony of Mr. Slade and his coadjutors.” He adds, “With these nine successive verdicts, I am satisfied; and I do not deem it necessary to present to the people of this State, any new evidence on the subject.”

Now, what does Mr. Phelps mean when he says the matter of his intemperance has been “passed upon” by the people of this State? Does he mean to assert, as his allusion to the successive “*verdicts*” would seem to imply, that he has been *acquitted*? If he does, he asserts what is notoriously untrue. I say this fearlessly, in the midst of a people who have the means of knowing whether I speak the truth or not. There is not a man in Vermont, who will dare to say that he has had nine successive verdicts, or even one verdict of *acquittal*.

Mr. Phelps is a good lawyer; and so far as mere intellect is concerned, is capable of being a good judge; though he was a better *lawyer* than *judge*. He has an iron constitution, capable, beyond that of most men, of resisting the effects of intemperance. When he was first elected, there was much less feeling in regard to the impropriety of bestowing public confidence on hard drinkers, than there is now; and there is less now, than there ought to be. Mr. P. made shift to keep pretty clear from the influence of liquor, while *actually on the Bench*; while his friends were always promising that he would amend; and yet he did not, but grew worse, as a *notorious occurrence*, within a year, I think, (perhaps some more) previous to his first election to the Senate, gave *terrible and mortifying* proof! During the long confinement which followed, he had time for reflection; and the occasion was improved, to warn him against a continuance of the dangerous indulgence, and urge him to reform. He promised that he would, and actually took the pledge; and hopes were entertained that the reform would be permanent. How vain those hopes were, the result has proved.

In this state of things, he was brought forward as a candidate for the Senate. Along with the most extravagant eulogies of his talents, and confident predictions that he would be a second Webster in the Senate, his friends urged the fact of his temperance pledge, and gave assurance that there was needed only the encouragement of an election to make the work of reform effectual, and enduring. Thus, through his leading friends, did he *promise*; and this promise of reform, together with extraordinary *management*—which, experience has proved, is the most efficacious to secure a *Senatorial* election—he succeeded.

But the reform did not follow. The pledge was broken. Removed from the restraints

of a position on the bench—though *that* had not been effectual—and thrown into the midst of peculiar temptations, the old habits were resumed—with what effect the testimony of Messrs. Hall, Meech and Adams, to say nothing of my own, furnish proof. As might have been expected, intelligence of this reached Vermont;—and the conviction became very general, that Mr. Phelps had falsified the predictions of his friends, and verified those of his opponents. It was upon this ground that the investigation was instituted. It was demanded by the circumstances of the case, in a manner that it could not be resisted, and resulted in bringing forth the testimony which I have presented in the previous pages of this reply. Mr. Phelps was thereupon re-elected. How far this election may be justly regarded as a "*revelation*" of *aspirants*, may, perhaps, better appear upon an examination of its history, which I now proceed to give.

I present this history of the election, not only for the purpose above indicated, but for another, personal to myself. Mr. Phelps has thought proper to impugn the correctness of my statement, on the ground that my testimony was that of a candidate for the place he occupied; and has endeavored to cast odium upon me, by insinuating that a sense of what was becoming a person thus situated, would have imposed silence on me, in an investigation into his conduct. "It says he, referring to myself) he has not been egregiously misunderstood, and belied, he has been, for six years, laboriously and zealously at work to supplant me." Now I have to say, that, if it *has* been so represented, then *Thax bien* "egregiously misunderstood and belied"—unless a laborious and zealous discharge of my duties as a member of Congress, is to be deemed a laborious and zealous effort to supplant my accuser. The connexion and obvious purpose of the above remark seem to justify, and indeed, to demand from me, a brief statement of my position in regard to the Senatorial question, for some time before, and at, the election.

Although I had been spoken of as a candidate to succeed Mr. Phelps, I seldom allowed myself to speak of it, until the year before the Senatorial election, when, my friends having failed to secure my nomination for Congress, and afterwards, for the office I now hold, there soon appeared a disposition, in various quarters, to bring me forward as a candidate for the Senate in the following year. The declarations to that effect became more open and decided at the session of the Legislature in October, when many members of both branches of the General Assembly, and others, voluntarily assumed me of their support.

Thus the matter rested until the summer of 1844, when Gov. Marbocks unexpectedly declined a re-election. Immediately upon its announcement, I found that there was a strong movement for my nomination, *among the friends of Mr. Phelps*. I then, openly declared that I was a candidate for the Senate, and would not consent to be put aside by any such movement. I determined to prevent, if possible, my nomination; and, for that purpose, went to Burlington, the place appointed for the State Convention, more than a day in advance of its meeting. My efforts were unavailing. I found myself surrounded by influences to induce my consent to be a candidate, which it was very difficult to resist. They came, not from the friends of Mr. Phelps alone, but from *my real friends*—from men who desired my election to the Senate, but who said to me that it was represented that I *would not* stand in the position in which my friends desired to place me, and where it was deemed important for the success of the Whig ticket that I should consent to be placed—because I wanted to be Senator; and that this was operating to my injury. But after much anxious deliberation, I yielded, because I could not give to the urgent importunities of *friends*, a flat and repulsive denial. I was thereupon nominated, and subsequently elected.

In the meantime Mr. Phelps went through the State, addressing the people, and arranging the machinery, and I learned that it was represented, not only that my election as Governor would render it improper for me to be supported for the Senate, but that, in fact, I had accepted the nomination, with an express understanding that I would not be a candidate. The result was, that Mr. Phelps was everywhere urged on the Whigs as their *only available* candidate, and his support claimed, on the ground, that a declining to support him, might put at hazard the success of the Whig party in that election.*

In this state of things the Legislature convened. Notwithstanding all that had been done to urge Mr. Phelps upon the Whigs, as their only available candidate, there still existed a deep and widespread dissatisfaction. It resulted in a private meeting of most, if not all, of the Whig Senators, at which it was determined that an investigation should be had in regard to his alleged misconduct; and a committee was, thereupon, appointed

* A part of the operation was, to get men elected to the Legislature, under a *pledge* to vote for Mr. Phelps, and thus to secure his election, in spite of any developments of his conduct, which might be made at Montpelier.

ed, for that purpose. I was entirely unaware, even of the existence of the meeting, until after it was holden, and the course of proceeding determined on.

The Circular I have given (p. 4.) was the result of that meeting. One of the gentlemen addressed—Judge Prentiss—declined to answer. Two of them—Messrs. Upham and Foot—made verbal statements to the committee, which were, I believe, subsequently repeated, in presence of a Whig meeting. I decided not to make a verbal reply, on the ground that I thought it due to Mr. Phelps that what I had to say, should be in writing, and that a verbal statement would, moreover, be liable to misapprehension, misrecollection and misrepresentation, to my injury.

And here I come to an important point, at which I have been aiming in this statement—namely, the misrepresentation of Mr. Phelps, in asserting that I made my reply to the committee while a candidate for the Senate—which it was dishonorable for me to do. The truth was, I did not reply, without making up my mind, and *declaring to several of my friends*, that the reply would place me in a position in which I could not expect to be urged as a candidate for the Senate—as, in truth, from the moment of making it, I was not—my decided friends declining to bring forward my name, during the whole of the protracted ballottings. To all practical purposes, I ceased to be a candidate from the moment I replied to the committee. Indeed, to all practical purposes, *the question of my election had been decided, the moment I consented to become a candidate for Governor, as the original movers of my nomination intended it should be, and as I discovered it had been, soon after my arrival at Montpelier.*

There was another embarrassment I had to encounter. It was said that I was Governor, and that it was unbecoming the *Governor* to condescend to mingle in the Senatorial strife. To this I felt no inclination to yield; for, independent of all other considerations, it was apparent that it had been one of the purposes of Mr. Phelps, in managing to induce me to accept a nomination for Governor, to place me, thereby, in a position where it might, with some plausibility, be said, that it would be undignified for me to make any disclosures which should affect the Senatorial election. I determined that I would not be thus silenced. Regarding my duty to the State as a paramount consideration, I deemed that I should best consult my *true* dignity, by fearlessly performing that duty. And this seemed the more obvious, as I my duty the more imperative, because there were very material facts bearing on the conduct of Mr. Phelps, at Washington, in regard to which no one of those to whom the Circular was addressed, excepting myself, could, probably, give any information. I allude especially, to the information given me by Mr. Cranston, and the events which immediately followed.

To give a perfect idea of my embarrassment, I ought to add, that, after it had become known that I should be addressed, by the committee, it was distinctly said to me, that I was suspected of an intention to decline answering, and to “*skulk from responsibility behind the Executive chair.*” In a communication subsequently addressed to the committee, and read in a Whig meeting, (drawn from me by the expressed regret of some friends that I had answered the Circular.)—I stated this fact, and among other things said—“I interpose the Chair between me and no kind of responsibility, fairly thrown upon me.”

Such were the circumstances attending my reply, and the motives for making it. The unfair attempt of Mr. Phelps to place me in a false position in regard to this matter, has compelled me to state my true position, (necessarily speaking more of myself than would otherwise have been proper) and in doing it, to expose a portion of the management by which he obtained what he now trumpets to the world as the last of “*nine successive verdicts*” in his favor.

I have only to add, in regard to these “*verdicts,*” that all of them, and especially the last two, were verdicts of *forbearance*, (forbearance that has been abused) rather than verdicts of *acquittal*. The latter Mr. Phelps knows they were not; and this whole community knows they were not. The last was obtained by the means (among others) which I have described,—to which I will add, a denial of my statement by Mr. Phelps, in a whig meeting, *on the evening before his election*, so bold and imposing, as to force on some minds, I have reason to believe, a momentary though reluctant doubt of its correctness.

There is a suggestion in the Appeal, upon which, though it may seem to be of not much importance, I deem it proper to bestow a passing notice. Speaking of Mr. Cranston’s calling on me to interpose my efforts to save his vote on the tariff, Mr. Phelps says, p. 11, Mr. C. “*must have known that there was no intercourse between me and Mr. Slade.*” Mr. Cranston says, in his letter to me, that he was not aware of it, when he called on me; and Mr. Everett evidently was not, when he sent him to me—and this, in both cases,

for the best of reasons, namely—because it was not true. It is true that I have, at various times, been abusively treated by Mr. Phelps; but as he has long been in the habit of abusing, by turns, his best friends, I have scarcely been tempted to make it the occasion of withholding personal civilities, when I could, without the imputation of unworthy condescension, possibly bestow them. There was, I remember, a few weeks before the occurrence in regard to the vote on the tariff, a period, during which I could get from Mr. Phelps no response to my salutations when I met him, because I had succeeded in obtaining the appointment of a certain individual to a certain post-office, in opposition to his candidate; but he seemed to get over it after a while, and our intercourse was as cordial as my efforts could make it, and his lingering jealousy and spleen would permit. It is a well known characteristic of some men to see enemies every where, and to suspect the bosoms of others to be the seat of the same passions that embitter their own.

I cannot close, without adverting to the reason given by Mr. Phelps, for delaying the publication of his Appeal. "Had it appeared (he says) at an earlier period, it might have been regarded as an attempt to influence the late election; and I chose not to subject myself to any such charge." This forbearance may seem to evince a very excellent spirit, to those who do not know, that, immediately on his return from Washington, last March, he began, privately, to expatiate upon his case, in the hearing of individuals—to read to them his certificates, boast of his means of annihilating me, and threaten to write a book for that purpose. He knew then, and knows now, and may, perhaps, know better, hereafter, that *such* a proceeding was calculated to do me a much greater injury than any book he could write. Indeed, from the moment I learned what he was doing, I earnestly desired the appearance of the threatened book, that I might defend myself from the attacks made on me, upon the strength of its half revealed contents—attacks which probably had some effect upon the election (which he was so scrupulous about influencing!) as it was said to me, pending that election, that I was very much blamed for having "*so much abused Mr. Phelps*." His attacks were made in such a way that I could not meet them; and I was therefore obliged to submit in silence—to which I had become well nigh reconciled, when The Book made its appearance.

A word by way of apology. There may be those who, whatever they may think as to the completeness of my defence, and the strict justifiableness of making it, may, nevertheless, for the sake of peace and harmony, regret its appearance. If there are any such, let me ask them to read carefully the Appeal—if they can find it!—and after considering the character of its attack on me, and my means of defence, let them say, whether I ought to remain silent. Indeed I will go farther back, and call on every Vermonter to say, whether, knowing what I did in regard to Mr. Phelps, it was my duty to be silent when inquired of by the committee,—whether I was not bound to speak out, when the hazards of one six years were in danger of being continued and increased during another.

This reply has, I am aware, presented evidence which cannot be otherwise than mortifying to every man in Vermont—and especially as Mr. Phelps is still one of its Senators, and its honor is, in some degree, identified with his. To that honor I am not insensible; and, for the sake of it, I would fain have spared my assailant; but he would not permit me. Against every dictate of prudence and common sense, he has made an attack, which has compelled me to expose him.

I have done;—and if something very extraordinary shall not occur to change my purpose, I shall never write another word on this subject. Within two days after the Appeal made its appearance, I was informed, on good authority, that Mr. Phelps said he expected a reply, and that he intended to have "*the last word*." In regard to the last word, I am very much disposed to gratify him. I do not perceive that I shall find it necessary to say any thing more upon the subject—having intended to write so as to make myself understood, and believing that all who shall honor me with a perusal of these pages will read, so as to remember. I have spoken plainly, but with no disposition to be wantonly severe. The severity of Truth—let whoever deserves it, feel.

WILLIAM SLADE.

January 31, 1846.

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